THE

LIFE

OF

ANTHONY ASHLEY COOPER

FIRST EARL OF SHAFTESBURY.

BRITISH MUSEUM

INTRODUCTION.

HISTORIES of former ages are allowed to be uſeful, by bringing down their moſt illuſtrious perſons to our acquaintance, and giving us the benefit of their conduct. But the examples of excellent men of our own country, muſt have a more lively and extenſive influence; becauſe we are engaged in the ſame intereſt, have the ſame conſtitution to preſerve, and, perhaps, ought to purſue the ſame meaſures which they have eſpouſed, and with ſteadineſs and vigour maintained. The true ſpirit of liberty is cultivated by obſerving the lives of its aſſertors, and an impartial review of the principles and proceedings of our moſt eminent patriots, may probably raiſe up and animate new ones: and if to oppoſe a growing arbitrary power in every inſidious and artful ſtep of its progreſs, to be firſt in raiſing, and the chief in conducting, a legal, conſtitutional, and ſpirited oppoſition, at the expence of eaſe, health, and fortune, at the utmoſt hazard of life in the moſt critical times, be the characteriſtic of a patriot, no man ever had a juſter title to it than the firſt Earl of Shafteſbury, who ſeems to have imbibed, in early youth, the genuine ſpirit and love of Engliſh liberty: its generous flame he cultivated and improved in maturer life;

and maintained an inviolable attachment to its eſſential intereſts to the very laſt. The love of liberty was his ruling paſſion. Neither ſickneſs, ſufferings, nor age itſelf could weaken its force. His zeal for the public was as ardent, as the occaſion for it was extraordinary. The violence of the court meaſures required a perſon as active and ſteady as he was. A lukewarm zeal had been inſufficient, and had only ſtrengthened the hands of the court againſt the people.

If it be conſidered with how much acrimony his character was treated in his life-time by venal writers for a corrupted court, that was incenſed at his conduct, and intereſted in his deſtruction; or with what credulity later authors have taken up all the aſperſions then thrown upon him, and with what partiality they have miſrepreſented him, it may be thought an act of juſtice to ſet him in a true light; and as this is done in the following ſheets by a plain narrative of his actions and conduct, ſupported by the evidence of authentic vouchers, I have no doubt but the attempt will be received with that candor to which truth is always intitled.

It is not only a juſtice to his memory, but may be of advantage to the public; for if fixing an ignominy upon thoſe who intereſt themſelves in a peculiar manner for their country, may diſcourage others from an active life, the clearing away that ignominy may incite them to follow ſuch examples.

The

The Earl of Shafteſbury had himſelf written a hiſtory of his own times, and, when he was forced to fly into Holland to avoid the deſigns which the court had formed againſt him, he intruſted it to the care of Mr. Locke, with whom he became acquainted upon the following occaſion. When he was at Oxford in the year 1666, he was confined to his chamber by an illneſs, which was owing to an accident he met with at the Reſtoration. He had been ſent with other commiſſioners from the parliament to Breda, to invite King Charles the Second to his dominions, and was overturned in his paſſage through a town in Holland. By his fall he received a great bruiſe in his ſide, which grew by neglect to an impoſthumation. Mr. Locke, who was a ſtudent of Chriſt Church, and had a phyſician's place there, was deſired by Dr. Thomas to wait on him with an excuſe for the doctor's not attending him himſelf. Lord Aſhley (which was his title at that time) * received him with his uſual civility, and was ſo pleaſed with his behaviour and converſation, that he deſired his company at ſupper; and finding Mr. Locke to be a man of excellent parts, and of a diſpoſition equal to them, he conceived a very great friendſhip for him, which he ſteadily

* Milord Aſhley le reçut très civilement, ſelon la coutume, et fut ſatisfait de ſes excuſes. Comme il voulut ſe retirer, Milord, qui avoit deja pris beaucoup de plaiſir dans ſa converſation, le retint à ſouper: et ſi ce Seigneur prit du goût aux diſcourſes de Mr. Locke, ce dernier fut tout-à-fait charmé de Milord Aſhley, qui étoit un homme très diſtingué par ſon eſprit et par ſes manniéres, même parmi les perſonnes de ſon rang.

Le Clerc, Bibliotheque Choisie, tom. vi. p. 353.

preſerved to the end of his life. He took him into his houſe, made him his ſecretary, and, when lord chancellor, preferred him to be ſecretary of the preſentations. After the ſeals were taken from Lord Shafteſbury, he, for a very moderate conſideration, gave Mr. Locke an annuity of a hundred pounds per annum, which was paid till his death. As Lord Shafteſbury entered into the greateſt intimacy with him, he imparted to him his moſt ſecret thoughts of the government, and all his ſchemes for the better regulation of it, and by his conſtant converſation upon public affairs, he firſt gave Mr. Locke thoſe excellent notions of government which appear in his eſſays upon it. In theſe, Mr. Locke maintains the ſame principles, which were always ſo ſtrenuouſly aſſerted by Lord Shafteſbury, at * whoſe deſire he turned his thoughts and ſtudy this way.

Mr. Locke, ſoon after the death of Lord Shafteſbury, was, in the moſt arbitrary manner, turned out of his ſtudent's place of Chriſt Church, by the king's abſolute command to the dean and chapter of the college; and the only reaſon aſſigned for it was, his having belonged to Lord Shafteſbury; as may be ſeen by the king's order, and the Earl of Sunderland's letters to the dean of the college, and the dean's anſwers to them. Theſe

* Il voulut qu'il s'applicât plutôt à l'étude des choſes, qui concernent l'état, & l'égliſe d'Angleterre, & de ce qui peut avoir quelque ſupport aux ſoins d'un miniſtre d'état; et il devint ſi habile en cette ſorte de choſes, que Milord Aſhley commença à le conſulter en toutes les occaſions, qui s'en preſentoient.

BIBLIOTHEQUE CHOISIE, tom. vi. p. 356.

letters

letters have never yet been printed, and therefore the reader may be pleaſed to ſee them*: they carry in them a full conviction, that Lord Shafteſbury much obſtructed the meaſures of the court, when they were deſtructive

* To the Lord Biſhop of Oxon.

My Lord, Whitehall, Nov. 6, 1684.

THE king being given to underſtand that one Mr. Locke, who belonged to the late Earl of Shafteſbury, and has upon ſeveral occaſions behaved himſelf very factiouſly and undutifully to the government, is a ſtudent of Chriſt Church; his majeſty commands me to ſignify to your lordſhip, that he would have him removed from being a ſtudent; and that in order thereunto your lordſhip ſhould let me know the method of doing it. I am,

My lord, &c.

SUNDERLAND.

To the Right Hon. the Earl of Sunderland, Principal Secretary of State.

Right Hon. Nov. 8, 1684.

I HAVE received the honour of your lordſhip's letter, wherein you are pleaſed to inquire concerning Mr. Locke's being a ſtudent of this houſe; of which I have this account to render; that he being, as your lordſhip is truly informed, a perſon who was much truſted by the late Earl of Shafteſbury, and who is ſuſpected to be ill affected to the government, I have for divers years had an eye upon him; but ſo cloſe has his guard been on himſelf that, after ſeveral ſtrict inquiries, I may confidently affirm, there is not any man in the college, however familiar with him, who has heard him ſpeak a word either againſt or ſo much as concerning the government; and although very frequently, both in public and private, diſcourſes have been purpoſely introduced to the diſparagement of his maſter the Earl of Shafteſbury, his party and deſigns, he could never be provoked to take any notice, or diſcover in word or look the leaſt concern; ſo that I believe there is not in the world ſuch a maſter of taciturnity and paſſion. He has here a phyſician's place, which frees him from the exerciſes of the college, and the obligation which others have to reſidence in it; and he

deſtructive of the conſtitution. This the court could not forgive, and its reſentment muſt have been very great,

he is now abroad upon want of health; but, notwithſtanding, I have ſummoned him to return home, which is done with this proſpect, that if he comes not back he will be liable to expulſion for contumacy; and if he does he will be anſwerable to the law for what he ſhould be found to have done amiſs; it being probable, that though he may have been thus cautious here, where he knew himſelf to be ſuſpected, he has laid himſelf more open at London, where a general liberty of ſpeaking was uſed, and where the execrable deſigns againſt his majeſty and his government were managed and purſued. If he does not return by the firſt of January next, which is the time limited to him, I ſhall be enabled of courſe to proceed againſt him to expulſion; but if this method ſeem not effectual or ſpeedy enough, and his majeſty, our founder and viſitor, ſhall pleaſe to command his immediate remove, upon the receipt thereof, directed to the dean and chapter, it ſhall accordingly be executed by,

My lord,

Your lordſhip's moſt humble and moſt obedient ſervant,

JOHN, OXON.

To the Biſhop of Oxon.

My Lord, Whitehall, Nov. 12, 1684.

HAVING communicated your lordſhip's of the 8th to his majeſty, he has thought fit to direct me to ſend you the incloſed, containing his command for the immediate expulſion of Mr. Locke.

SUNDERLAND.

To the Right Rev. Father in God John Lord Biſhop of Oxon, Dean of Chriſt's Church, and to our truſty and well-beloved the Chapter there.

RIGHT Rev. Father in God, and truſty and well-beloved, we greet you well. Whereas we have received information of the factious and diſloyal behaviour of Locke, one of the ſtudents of that our college, we have thought fit hereby to ſignify our will and pleaſure to you, that you forthwith remove him from his ſtudent's place, and deprive

great, when even after his death it could exert itſelf on an innocent man, only becauſe he was Lord Shafteſbury's friend. I do not know any author who has mentioned this circumſtance of Mr. Locke's expulſion, except Mr. Le Clerc. He has quoted ſome part of the biſhop's letter which relates to Mr. Locke's character. Theſe letters were tranſcribed from Mr. Locke's own copies, and ſufficiently evince the arbitrary ſpirit which then prevailed.

Upon the infamous execution of Mr. Algernon Sidney for treaſon ſuppoſed to be in papers which were found

deprive him of all the rights and advantages thereunto belonging. For which this ſhall be your warrant. And ſo we bid you heartily farewell. Given at our court at Whitehall the 11th day of November 1684.

By his majeſty's command,

SUNDERLAND.

To the Right Hon. Earl of Sunderland, Principal Secretary of State.

Right Hon. Nov. 16, 1684.

I HOLD myſelf bound in duty to ſignify to your lordſhip, that his majeſty's command for the expulſion of Mr. Locke from this college is fully executed.

JOHN, OXON.

To the Biſhop of Oxon.

My Lord,

I HAVE your lordſhip's of the 16th inſtant, and have acquainted his majeſty therewith; who is well ſatisfied with the college's ready obedience to his commands by the expulſion of Mr. Locke, &c.

SUNDERLAND.

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in his cloſet, Mr. Locke was alarmed, and as he knew the jealouſy the court had conceived of him, and was afraid of a like proſecution, he burnt the Earl of Shafteſbury's hiſtory.

The loſs of this book is much to be regretted, ſince his lordſhip had, even according to the confeſſion of his enemies, ſo extenſive a genius, and was ſo intimately acquainted with the ſecret ſprings of all tranſactions. Moſt writers of hiſtory are ſo far removed from the knowledge of theſe, that their works muſt neceſſarily be very defective. For being never admitted into the cabinet, or even near it, they know the motives of very few actions; yet being unwilling to appear ignorant of them, they will either upon hear-ſay evidence (which is ſeldom to be credited) or from their own conjectures, aſſign reaſons for what they relate, which may, and probably muſt, be remote from the truth: nay, they often give an erroneous account of the actions themſelves.

Some looſe papers, part of this work, are yet remaining: the following paſſage is tranſcribed from them, as it ſhews the candor with which he entered upon it. "Whoever conſiders the number and the power of "thoſe adverſaries I have met with, and how ſtudiouſly "they have, under the authority of both church and ſtate, "diſperſed the moſt malicious ſlanders of me, will think "it neceſſary that in this I follow the French faſhion, "and write my own memoirs; that it may appear to "the world on what ground or motives they came to

"be

" be my enemies, and with what truth and juſtice they " have proſecuted their quarrel; and if in this whole " narration they find me falſe or partial in any particu- " lar, I give up the whole to whatever cenſure they " will make."

He began his hiſtory from the Reformation. He ſeems to have traced out the ſprings, and to have marked the progreſs of the ſeveral differences between the crown and the people, which produced at laſt the civil war. From hence he obſerved what was defective in the conſtitution, for ſecuring, in a better manner, the civil and religious rights of the people. He was particularly excellent in his characters. Some few are remaining in fragments of his papers; King Charles the Second's, the Duke of York's, the Dutcheſs of Portſmouth's, and the Earl of Danby's: they are drawn with great ſpirit. In the king's there are proofs of a real affection for him. He ſays, that if he had been ſo happy as to have been born a private man, he would have been much beloved; for he had parts, good nature, and excellent breeding. But being a prince, by his pleaſures, his indolence, his confidence in a miniſter, whoſe abilities were not equal to the truſt, and his complaiſance to a brother whoſe perſon he did not love, and whoſe underſtanding and qualities he deſpiſed, he brought himſelf to ſuch an unhappy ſtate that no one perſon could have a dependence on him. Lord Shafteſbury certainly had a love for the king. This appears by all his ſpeeches, even when he was moſt at enmity with the court, and when with great boldneſs he cenſured its

proceedings. As this affection to the king was manifeſted during his variance with the court, and he had too much frankneſs to diſguiſe his opinion, and to conceal his diſpleaſure with the meaſures that had been taken, it cannot be conceived that he would feign a tenderneſs which he did not poſſeſs.

Mr. Locke, by way of reparation for burning the book, intended afterwards to write the hiſtory of this noble peer, and in his works there are ſome particular facts which he put down as they occurred to his memory. The editor of his poſthumous works informs us, that he would have gone on farther if time and health had permitted him; but that he was interrupted by death, before he could make any great progreſs.

The few particulars which he has written, muſt give every reader an high idea of his lordſhip. It is a great misfortune that Mr. Locke did not finiſh his life, as he was ſo long and ſo intimately acquainted with him.

Mr. P. Coſte, who lived many years in the ſame family with Mr. Locke, in his character of him has the following paſſages.

" Mr. Locke loved to confirm his opinion on any ſub-
" ject by that of the famous Earl of Shafteſbury, to
" whom he took a delight to give the honour of all the
" things which he thought he had learnt from his con-
" verſation."

Nothing

Nothing ever gave him a more ſenſible pleaſure than the eſteem which that earl conceived for him, almoſt the firſt moment he ſaw him, and which he afterwards preſerved as long as he lived; and, indeed, nothing ſets Mr. Locke's merit in a brighter light, than his having had the conſtant eſteem of my Lord Shafteſbury, the greateſt genius of his age; who was ſuperior to ſo many eminent and able men that ſhone at the ſame time in the court of Charles the Second, not only for his reſolution and intrepidity in maintaining the true intereſts of his country, but, alſo, for his great abilities in the conduct of the moſt knotty affairs. When Mr. Locke ſtudied at Oxford, he fell by accident into his company in the manner already mentioned, and one ſingle converſation with that great man, won him his eſteem and confidence to ſuch a degree, that ſoon afterwards my Lord Shafteſbury took him to be near his perſon, and kept him as long as Mr. Locke's health or affairs would permit. That earl particularly excelled in the knowledge of men. It was impoſſible to catch his eſteem by moderate qualities: this his enemies themſelves could never deny. I wiſh I could on the other hand give a full notion of the idea which Mr. Locke had of that nobleman's merit. He loſt no opportunity of ſpeaking of it; and that in a manner which ſufficiently ſhewed he ſpoke from his heart. Though my Lord Shafteſbury had not ſpent much time in reading, nothing, in Mr. Locke's opinion, could be more juſt than the judgment he paſſed upon the books which fell into his hands. He preſently ſaw through the deſign of a work; and without much heeding the words, which he ran over

with vaſt rapidity, he immediately found whether the author was maſter of his ſubject, and whether his reaſonings were exact. But above all, Mr. Locke admired in him that penetration, that preſence of mind, which always prompted him with the beſt expedients in the moſt deſperate caſes; that noble boldneſs which appeared in all his public diſcourſes; a boldneſs ever guided by a ſolid judgment, which never allowing him to ſay any thing but what was proper, regulated his leaſt word, and left no hold to his enemies.

Mr. Le Clerc, in his elogium upon Mr. Locke, ſays *, that to the end of his life he recollected with the greateſt pleaſure the delight which he had found in the converſation of Lord Shafteſbury; and when he ſpoke of his good qualities, it was not only with eſteem, but even with admiration. If thoſe who knew the penetration and ſincerity of Mr. Locke, conceived a high idea of Lord Aſhley, thoſe who have had any acquaintance with this laſt, cannot doubt but Mr. Locke was a man of an uncommon genius, when they think of the eſteem which this lord had for him.

* Mr. Locke a rapellé pendant toute ſa vie, avec beaucoup de plaiſir la memoire de la ſatisfaction qu'il avoit eue dans la converſation de ce Seigneur, et lorſqu'il parloit de ſes bonnes qualités, non ſeulement il en parloit avec eſtime, mais encore avec admiration. Si ceux, qui ont bien connu la penetration & la ſincerité de Mr. Locke, conçoivent par là une haute idée de Milord Aſhley, ceux qui ont eu quelque commerce avec ce dernier, ne peuvent pas douter que Mr. Locke ne fut un homme d'un genie peu commun, lorſqu'ils penſent à l'eſtime, que ce Seigneur avoit pour lui.

LE CLERC, BIBLIOTHEQUE CHOISIE, tom. vi. p. 355.

He

He was, ſays Mr. Le Clerc, " a nobleman that had " an uncommon vivacity and penetration, a ſolid judg- " ment, an excellent memory, and a great and gene- " rous way of thinking; and with all this, a gay and " lively temper, which he preſerved in the greateſt " perplexity of his affairs. He had read much, but " had ſtill more knowledge of the world; ſo that he " acquired in a ſhort time a very great experience, and " became the greateſt ſtateſman in England; and at an " age, in which others only begin their acquaintance " with public affairs. The poſts which he was in, " from the time King Charles the Second employed " him, prevented his application then to much reading, " but he had ſuch an apprehenſion, that in a curſory " view of a book, he would diſcover the ſtrength and " weakneſs of it, in a better manner than others who " read it at leiſure. He was eaſy and open in his be- " haviour, a great enemy to compliments, and had not " the leaſt formality in him; ſo that one was not " under any conſtraint with him, but had all the li- " berty to be wiſhed. He could familiarize himſelf " with all the world, without any meanneſs, or doing " any thing unworthy of his rank. He could not bear " any ſervility, not only in himſelf, but even in his " inferiors." BIBLIOTHEQUE CHOISIE, tom. vi. p.

Though Lord Shafteſbury was affable in his temper, and free from pride towards his inferiors, yet where he had a contempt he was too apt to ſhew it. This, however, was never founded on any diſparity of fortune, but appeared only when perſons aſſumed a merit which

was

not equal to their own opinion of it, and when they were too buſy in matters that were beyond their knowledge. This behaviour undoubtedly created him many enemies, and gave birth to moſt of the ſlanders which were publiſhed of him.

Theſe ſlanders were very numerous. They produced, however, no other effect in his lordſhip, than an abſolute contempt: they could not rouze him to an anſwer, or to take any notice of them, though ſeveral occaſional diſcourſes were written by him, or by his direction; nay, where the authors had any real worth, he readily ſhewed his ſenſe of it, and his forgiveneſs of their abuſes. An inſtance of this appears with regard to Dryden, whoſe fortune and ſpirit were vaſtly inferior to his genius. As the greatneſs of this made him uſeful to the court, the want of the other threw him into its power; and he was often forced to proſtitute his talents to its pleaſure or revenge. His Abſalom and Achitophel is one of the fineſt ſatires that then had ever appeared. The deſign of it was to expoſe ſeveral lords, and others who had oppoſed the meaſures of the court. As Lord Shafteſbury for ſome years ſtood the foremoſt of theſe, the chief force of the ſatire is pointed at him; yet, after the poem had been publiſhed, when his lordſhip, as a governor of the Charter-Houſe, had the nomination of a ſcholar, without any application from Dryden, or from any perſon in his favour, he gave it to one of his ſons. Upon this, Dryden, to be grateful, reſolved to ſhew him ſome juſtice in this very poem; and,

and, therefore, celebrated his conduct as lord chancellor in the following lines:

In Iſrael's court ne'er ſat an Abethdin
With more diſcerning eyes, or hands more clean,
Unbrib'd, unſought, the wretched to redreſs,
Swift of diſpatch, and eaſy of acceſs.

When King Charles read theſe lines, which were not in the firſt edition, he told Dryden, that he had ſpoiled all which he had ſaid of Shafteſbury by them.

I ſhall not in this relation enter into any public affairs which have been mentioned by other authors; unleſs where it may be neceſſary to lead the reader into a knowledge of his lordſhip's conduct in them. The facts which are told by Mr. Locke I have inſerted in the order in which they happened; and, likewiſe, a letter of his to Mr. Stringer never yet publiſhed. This was written from Oxford, during the ſitting of the parliament there; and gives an account of ſome tranſactions in it; and of one particular affair, viz. the withdrawing of a bill of great conſequence from the table of the houſe of lords in the former parliament, when it was ready for the royal aſſent. The few ſpeeches which remain of Lord Shafteſbury's I have introduced in thoſe periods of his life in which they were ſpoken. The other parts of the relation are taken chiefly from the looſe papers of his lordſhip, or from a manuſcript account written by a gentleman who was many years near his perſon. This was Thomas Stringer, Eſq; of Joy-Church,

Church, near Saliſbury, whom I juſt now mentioned, who had an excellent underſtanding, great knowledge in the law, and a warm affection for the intereſt of his country. He had a remarkable probity and evenneſs of temper, and was ſtrictly faithful to his truſt. Theſe qualifications made him worthy of the confidence of Lord Shafteſbury, and intitled him to the friendſhip of ſeveral perſons of the firſt rank, as the Duke of Kingſton, Earl of Pembroke, Lord Somers, Lord Lexington, the Earl of Fitzwalter, Edward Aſh, Eſq; Commiſſioner of Trade, and others. He was a familiar acquaintance of Mr. Locke. He died in 1702, being greatly eſteemed by the gentlemen of the country where he reſided. He had, for ſome years before, been chairman of the quarter ſeſſions, when they were held at Saliſbury.

As I have mentioned two very diſtinguiſhed names, Mr. Locke, and Mr. Le Clerc, who have ſpoken favourably of Lord Shafteſbury, it may not now be improper juſt to take notice of the principal authors who have mentioned him to his diſadvantage, and of the particular prejudices which ſome of them had againſt him. It may be thought too much to attribute all they ſay to this motive; but if their prejudices can be pointed out, and it can be inconteſtably proved, that accounts of the many facts which they relate are erroneous, it is not unfair to ſuppoſe that they wrote under the influence of their private paſſions.

Sir

Sir Roger L'Eſtrange, who publiſhed invectives againſt him almoſt every day, (which generally died with the day) was the noted hireling of the court. He had, beſides this, a particular motive for his ſpleen againſt Lord Shafteſbury. His lordſhip, as chairman of a committee of the houſe of lords, made a report to the houſe, that Mr. Roger L'Eſtrange had been ſeveral times at maſs, and had owned himſelf to be of the church of Rome: Mr. L'Eſtrange acted in the commiſſion of peace at this time, notwithſtanding the teſt act of 1672, which incapacitated every papiſt. Their lordſhips ſummoned him to attend, which ſummons he did not obey, and they then ordered that he ſhould not be permitted to licence the printing of any more books, and that the lord chancellor ſhould put him out of the commiſſion.

Sir William Temple has juſtly the character of a very elegant author; but in his political conduct and writings, he carried his notions of prerogative and paternal dominion to a very great height; and was, therefore, in his public principles directly oppoſite to Lord Shafteſbury. When his lordſhip was chancellor of the exchequer, he gave Sir William a private reaſon for his reſentment, by oppoſing the king's giving him a preſent of plate, which he demanded upon his coming from Holland. This Mr. Stringer mentions in his manuſcript, as does Mr. Le Clerc in his eloge upon Mr. Locke *. To this may be added another

* Cependant le Chevalier Temple a parlé diſadvantageuſement de lui, dans ſes memoires, et a inſinué qu'il etoit l'un des auteurs de la

another cauſe of Sir William Temple's anger. Lord Shafteſbury was very free in his cenſures of the treaty of Nimeguen; he exclaimed againſt it openly, as it diſſolved the grand alliance, which a few years before had been formed againſt the power of France; in forming which he had a great ſhare. I have by me a ſhort ſtate of the nation which Lord Shafteſbury drew up at the meeting of the new parliament March 6, 1668-9. In this he ſays, "That this treaty was concluded by the "mediation, or more properly enforced, by the Engliſh "court: That by this treaty, the crown of England "received no honour, nor any viſible advantage, but "was left expoſed, as well as the Emperor, the King "of Spain, and the States General, to the mercy of "the French: That all the arts imaginable were uſed "to draw off the States from the confederacy: That "notwithſtanding the Engliſh nation in general, and "the parliament deſired a war with France, and our "court had made a league with the States to enter into "one; yet theſe, ſeeing the influence which the court "of France had over our councils, and being jealous of "the Engliſh forces, which were ſent into Flanders to "amuſe the parliament, and draw ſupplies from them,

P. 21 guerre de 1672 contre les provinces unies. Mais on doit ſavoir qu'il n'aimoit pas Milord Shafteſbury, parce que ce dernier etoit chancellier de l'echiquier, s'etoit oppoſé à un preſent en vaiſſelle d'argent, qu'il demandoit au roi, au retour de ſon ambaſſade, ſelon un uſage, que le chancellier jugeoit tres prejudiciable aux finances du roi. Cette raiſon eſt aſſez forte pour ne pas ſe fier à Monſ. Temple, ſur le chapitre de Milord Shafteſbury.

LE CLERC, BIBLIOTHEQUE CHOISIE, tom. vi. p. 364.

"by

" by the perſuaſion of our miniſter made a ſeparate " peace: That Spain, being thus forſaken by the " Dutch, apprehenſive of the Engliſh forces, and " knowing the aſcendant which the French king had " over the Engliſh court, ſigned, alſo, a diſhonourable " treaty: That the Emperor ſoon followed the exam- " ple, and made a peace for himſelf, leaving the King " of Denmark, the Elector of Brandenburgh, and other " Proteſtant Princes to provide for themſelves: That " thus France, with the aſſiſtance of England, aſſured " to herſelf the greateſt part of the vaſt conqueſts and " acceſſions ſhe had made to her empire; and broke " the ſtrength of her enemies more effectually by the " peace, than ſhe could have done by the war; it " being impoſſible to form a new aſſociation, among " princes who could not have any confidence in one " another." Sir William Temple and Sir Leoline Jenkins were our miniſters at this treaty of Nimeguen; and though Sir William acted under poſitive orders from court, yet very probably he could not eaſily digeſt any reflections upon a work in which he had been an actor. His anger appears very plainly whenever he mentions Lord Shafteſbury; the grounds of it are not always as obvious. He is altogether general in it; he lays nothing particularly to his charge; and though in one place he has inſinuated (as Mr. Le Clerc ſays) that his lordſhip was of the adviſers of the war againſt the Dutch, he in other places imputes it wholly to the violent temper and counſels of Lord Clifford; as will appear in the following ſheets.

Father Orleans gives this character of Lord Shafteſbury. "He had a vaſt genius, was penetrating, bold, "and equally ſteady both on the right and wrong ſide; "a conſtant friend, but an implacable enemy; and "the more dangerous, as, being void of all religion and "conſcience, it was the eaſier for him to plot, becauſe "he was not deterred by the number or enormity of "any crimes, when he judged them neceſſary to pre-"ſerve himſelf, or deſtroy thoſe who had incurred his "hatred." It muſt be obſerved, that the learned Jeſuit had no knowledge of Lord Shafteſbury: he wrote his hiſtory from the mouth of King James the Second after the Revolution, and in the midſt of that king's reſentment for the loſs of his crown; a loſs owing to his religion, and to his perverſe and ſtrong attachment to arbitrary power, both which Lord Shafteſbury ſo long and ſo ſtrenuouſly oppoſed in every ſtep of their progreſs. This oppoſition, with his being ſuch a conſtant enemy to France, could not intitle him to Father Orleans's good opinion.

I do not think it very material to mention Mr. Archdeacon Echard upon this occaſion; for it is plain that he did not make much inquiry into the character of Lord Shafteſbury, ſince he contented himſelf with copying that from Father Orleans, whom he could not but know to be a prejudiced writer.

Biſhop Burnet is ſtill leſs favourable to Lord Shafteſbury than Father Orleans. He does not allow him any of the good qualities, and ſcarce one of the qualifications,

tions, which his greateſt enemies have acknowledged. The biſhop, indeed, owns that Lord Shafteſbury was angry with him for his endeavours to diſcredit the Popiſh Plot; and upon one occaſion he ſays, Lord Shafteſbury railed ſo at him that he went near him no more. I have by me the manuſcript of one Mr. Wyche *, who had an office under Lord Shafteſbury, wherein he ſays that Lord Shafteſbury ſlighted the biſhop to a very great degree, and ſhunned his acquaintance. This contempt the biſhop might not deſerve, and, perhaps, could not very well bear. He is unhappily miſtaken in almoſt every fact which he relates of Lord Shafteſbury. This will be made evident from the journals of parliament, and very authentic vouchers.

* Among the papers belonging to the Shafteſbury family, has been found a character of this Mr. Wyche, drawn up by a perſon well acquainted with him. It will probably be acceptable to the reader.

" He was a man of the law, and clerk to Mr. Juſtice Sir Samuel " Eyre. Mr. Juſtice Eyre was a ſtanding council concerned in Lord " Shafteſbury's affairs, and he recommended him to Lord Shafteſbury " as a faithful amanuenſis, who might be truſted upon any occaſion. " He was accordingly truſted by Lord Shafteſbury in tranſcribing " papers of the utmoſt conſequence, from the year 1669 or 1670 to " the end of Lord Shafteſbury's life. He took down thoughts as " they were dictated by the great men at meetings; one in particular " from Lord Holles, near the end of his life. The late Lord Chief " Juſtice Eyre, who had ſuch a thorough knowledge of Mr. Wyche's " integrity, uſed to ſay of him, that he had, at the latter end of " King Charles the Second's time, written more treaſon than any man " in the kingdom. He was a man of ſlow parts, but ſcrupulouſly " exact in matters of teſtimony, which his great length of days occa- " ſioned his being called upon ſometimes to give. The truth of this " is known to ſeveral people now living. He lived at Saliſbury till " his death."

Rapin,

Rapin, in his account of the tranſactions of thoſe times, had no other guide than the authors beforementioned; yet he ſees through their prejudices very plainly, and cautions his readers againſt too implicit a belief in them. This he does merely from a cool conſideration of what they relate, without a knowledge of any private memoirs to biaſs him in Lord Shafteſbury's favour. I cannot help here taking notice of one paſſage in Rapin. When he makes his obſervations on Father Orleans's character of Lord Shafteſbury, and hints at the partiality of it, he ſays, "Mr. Locke ſpeaks otherwiſe of him; it is true he ſays nothing advantageous of him in reſpect of religion." I fancy Rapin would not have made this laſt obſervation, if he had conſidered, that Mr. Locke's is not a complete and regular account of Lord Shafteſbury. It is only a memorandum of ſome few facts which he wrote down as they occurred to his memory, and for fear they ſhould ſlip out of it. By the ſtile they are plainly his rough draught, and are ſo indigeſted, that ſome things after the Reſtoration are ſet down previous to others which happened before it. Lord Shafteſbury was, however, very regular in his attendance on divine worſhip; he kept a chaplain conſtantly in his houſe. This gentleman's name was Highmore. His lordſhip was the great patron of the eminent Dr. Whitchcot, who lived very much with him, and, together with Mr. Locke, was one of his moſt conſtant companions. The doctor preached moſt of his ſermons that are printed before him; and the laſt Lord

Shafteſbury

Shafteſbury * is ſaid to have publiſhed, from a manuſcript copy of his grandfather's lady, the firſt volume of his works, called Select Diſcourſes.

Biſhop Burnet repreſents Lord Shafteſbury to have been variable in his principles; and ſays, "that he "was not aſhamed to reckon up the many turns he "had made; that he did this with ſo much vanity and "little diſcretion that he loſt many by it." It ſeems a little improbable, that ſo wiſe a man, ſo verſed in affairs that required ſecrecy, ſhould for no reaſon, with no views, lay himſelf ſo open to cenſure. Beſides, the biſhop, in fact, gives an anſwer to himſelf, by what he ſays in the ſame ſentence, "that Lord Shafteſbury was "to the laſt much truſted by all the diſcontented party." I have ſome hopes that by the following ſheets, he will appear to have acted very conſiſtently; that from the beginning to the end of his life, he maintained the ſame principles; and that the changings and fluctuations, at the time he lived in, were in the government, but not in his conduct.

As to later writers of the Engliſh hiſtory, I ſhall take no particular notice of them in this place; becauſe moſt of them have only repeated the accounts of Lord Shafteſbury which have been given by the authors already mentioned.

* It hath been ſuppoſed of late, that the Select Diſcourſes of Dr. Whitchcot were publiſhed by the Rev. Mr. William Stephens, rector of Sutton in Surry, and not by the third Earl of Shafteſbury.

Nothing

Nothing is more difficult than rooting out the prejudices which have been long growing in our minds. Nothing more deſerves the attention of a rational creature; who muſt otherwiſe live in a conſtant ſubſervience to the little paſſions of thoſe who implanted them. The reader, therefore, is deſired only to exerciſe his own reaſon, and to enter into a calm examination of the facts before him.

Theſe lie open to every one's underſtanding, and are the beſt, if not the only evidence we can rely upon, in our judgments of any man's public character. In his private one we muſt depend on the authority of his relations, his friends, and thoſe who were chiefly about him. And theſe have concurred in the ſame teſtimony with regard to Lord Shafteſbury, that he filled up all the private offices of life, as a maſter, a friend, a huſband, and a father, with great humanity, integrity, and affection. Some of his letters to his lady that are ſtill preſerved, are proofs of the tenderneſs which he had for her.

Though his engagements in public affairs were ſo various and inceſſant, he was ſtrictly careful in the management of his own eſtate. He was exact in this to a ſurprizing degree. He inſpected all his accounts himſelf; and as he had great ſkill in huſbandry, he was as particular in his directions for the cultivating his lands, as any country gentleman who had no other employment of his time or thoughts. He looked on the preſervation of his eſtate as the beſt ſupport of indepen-

dency,

dency, and the beſt fund for his generoſity, which many perſons of worth and learning experienced, ſome by occaſional, others by annual donations.

If any facts mentioned in the preſent performance are proved to be falſe, or unfairly ſtated, they will be readily retracted. This work is written only from the love of truth, and to the lovers of truth it is addreſſed.

THE

19 JU61

THE LIFE OF ANTHONY ASHLEY COOPER FIRST EARL OF SHAFTESBURY.

SECTION I.

Account of Sir ANTHONY ASHLEY COOPER's birth, education, marriage, and firſt entrance into parliament.

ANTHONY ASHLEY COOPER Earl of Shafteſbury, who was born July 22, 1621, deſcended from very ancient and conſiderable families. His father was Sir John Cooper, Bart. of Rockborne, in the county of Hants. His mother was Anne the only daughter and heireſs of Sir Anthony Aſhley, Bart. of Wimborne St. Giles's, in the county of Dorſet. 1621. His birth.

The care of his education was firſt committed to Mr. Guerdeau, a fellow of Queen's College in Cambridge, and afterwards doctor of phyſic in London, who was choſen by Education.

1621. the grandfather for the ſtrictneſs of his principles; Sir Anthony ſaying, "Youth could not have too deep a dye "of religion; for buſineſs and converſation in the world "would wear it to a juſt moderation *."

1631. By the death of Sir John Cooper in 1631, he ſucceeded to the title of baronet, and an eſtate of 8000l. a year; the greateſt part of which had been entailed on him by his grandfather, who died in the year 1627.

Early proof of his activity.

As the vivacity of his genius was conſpicuous in his youth, by the progreſs which he made in his ſtudies, ſo his active diſpoſition ſoon diſcovered itſelf on the following remarkable occaſion. His father leaving his own eſtate charged with debts, ſome of his relations and neighbours, Sir Francis Aſhley (his grandfather's brother) Mr. Tregonwell, Sir William Button, and others, formed a ſcheme for getting advantageous purchaſes, by procuring an immediate ſale of great part of the eſtate. Sir Francis was the king's ſerjeant at law. By his means, and under pretence of being creditors, they engaged Sir Walter Pye, attorney of the Court of Wards, a corrupt man, who then had great influence in that court, to get a decree for the ſale; and being with ſome of their friends made commiſſioners for this, they diſpoſed of the eſtate to one another. Sir Anthony's truſtees, who were excluded from the commiſſion, deſired time to ſell the lands at better rates, and that Sir Anthony (who had an eſtate from his mother's father, for which he was not in wardſhip) might be allowed to be a purchaſer himſelf. This was preſſed in open court, but refuſed, unleſs the purchaſers would conſent; which could not be ex-

* After his father's death, Sir Anthony was four years under the tuition of a Mr. Fletcher, and one year under the care of a gentleman of Oriel College in Oxford, a maſter of arts.

pected,

pected, as they knew the value of their bargains, and had taken ſuch irregular ſteps to gain them. 1631.

The truſtees, upon this, refuſed to convey the lands, and were, therefore, committed by the Court of Wards to the Fleet, and kept in confinement till they conſented. But notwithſtanding their forced conveyance, they preferred a bill in equity againſt Sir Francis Aſhley, and the others, upon conſideration, that they had before agreed with a purchaſer for the lands, for Sir Anthony's uſe, at a much greater value. Sir Francis being ſenſible that the ſeparate eſtate, which his brother left to his grandſon, enabled the truſtees to make this oppoſition, immediately projected the total ruin of his nephew's fortune; and deſired to be heard in behalf of the king, to ſhew, that the deed, by which Sir Anthony claimed that eſtate, was not ſufficient to preſerve it from wardſhip. A day was appointed for the hearing. 1634.
Mr. Noy was then attorney general, having been an intimate friend of old Sir Anthony. He had drawn his will, but it was imagined he would not undertake to ſupport the cauſe againſt the crown, and without him it would be in imminent danger from the influence which the crown had in that court. Sir Anthony (then but thirteen years old) went alone to Mr. Noy, and acquainted him with the proceedings, ſaying he had no one to depend on but him, who had been the friend of his grandfather. The attorney was pleaſed with his ſpirit and behaviour, and told him he would defend the cauſe, though he ſhould loſe his place; and accordingly performed his promiſe with ſucceſs, and without taking any fees.

Inſtance of his generoſity.

Though Sir Anthony carried this cauſe, his eſtate ſuffered very much by the haſty and clandeſtine ſale of ſuch a part of it. However, it furniſhed him with an opportunity, ſome years afterwards, of ſhewing his generous and reconcileable

1634. cileable temper. Rockborne, which was his father's ſeat, was ſold to Mr. Tregonwell, who was in ſuch haſte for the purchaſe, that he was not ſufficiently careful in examining the title. Sir Anthony diſcovered that this eſtate had been entailed at his father's marriage, and that his father had not acknowledged any fine to cut off the entail. He, therefore, immediately commenced a ſuit againſt Mr. Tregonwell, who was grandſon and heir of the purchaſer. Mr. Tregonwell, whether from a ſenſe of a defect in his title, or the injuſtice of his grandfather, propoſed to Sir Anthony (who was his relation) that, if he might be permitted to enjoy that eſtate during his life, he would not only conſent that it ſhould return to Sir Anthony, but as he had himſelf no children, he would ſettle his own eſtate upon him likewiſe. Sir Anthony replied, that he would not conſent to Mr. Tregonwell's ſettling his own eſtate to the prejudice of his family; nay more, ſince Mr. Tregonwell had been ſo frank in his offer, he ſhould not only retain Rockborne for his own life, but his wife ſhould hold it for her's alſo, in caſe ſhe ſhould ſurvive; and upon theſe terms he concluded an agreement with Mr. Tregonwell, who enjoyed that eſtate near forty years.

1636. Of his courage. In the year 1636 Sir Anthony went to Exeter College at Oxford, under the immediate tuition of Dr. Prideaux, rector of the college. The circumſtances of his affairs obliged him to go to London in term-time, and he was entered of Lincoln's Inn. Thus he ſoon acquired an uſeful education, by being led into an early knowledge of the world. As his reading enlarged and improved his converſation, this quickened and ſtrengthened his application to the other. His wit, affability, and liberal temper, ſoon diſtinguiſhed and procured him eſteem in the univerſity; and his courage making him the leader of all the young men of his college, he ſhewed ſeveral inſtances of that ſpirit which he ſo remarkably

markably maintained through the whole courſe of his life. 1636.
Among others, one was in oppoſing and breaking a cuſtom extremely abſurd, but, however, of great antiquity in the college, which was called tucking the freſh-men. On a certain day, the ſenior under-graduates, in the evening, called the freſh-men to the fire, and made them hold out their chins; whilſt one of the ſeniors, with the nail of his thumb (which was left long for that purpoſe) grated off all the ſkin from the lip to the chin, and then obliged him to drink a beer-glaſs of water and ſalt. The time approaching when Sir Anthony was to be uſed thus; he, finding the freſh-men a numerous body, engaged them to ſtand ſtoutly in defence of their chins. Accordingly, they all appearing at the fire in the hall, one of the ſeniors (who was the tyrant of that day) called Sir Anthony; when he, according to agreement, gave the ſignal to the juniors, by ſtriking the ſenior a box on the ear, and immediately a ſkirmiſh enſued, in which ſome of the ſeniors were ſeverely beaten; nor was an end put to the combat, till Sir Anthony had made proper terms for the juniors. At this time Dr. Prideaux came in to appeaſe the mutiny; and the doctor, always favourable to youth, in offences which proceeded from courage, granted them a pardon, and an abolition of that ridiculous cuſtom*.

Some time after Sir Anthony had been at Oxford, ſeveral 1638.
matches were propoſed to him; but by the advice of his His marriage.
guardian, he made his addreſſes to one of the Lord Keeper Coventry's daughters; and his eſtate and character carrying with them a powerful recommendation to the father, as his youth and behaviour did to the lady, who was a woman of admirable beauty, accompliſhments, and virtue, he ſuc-

* Stringer.

ceeded,

1638. ceeded, and was married on the 25th of February 1638-9, being under eighteen years of age.

After his marriage, he lived with the Lord Keeper at Durham-Houſe and Canbury, till the Lord Keeper's death, which was in January 1639-40. During this interval, he accompanied his brother-in-law, Mr. Coventry, into Worceſterſhire, where he was ſoon diſtinguiſhed for the gaiety of his temper, to which an upper ſervant of his ſometimes contributed. This man, when his maſter went to any houſe, eaſily gained admittance among the female ſervants, by his knowledge in the reigning faſhions. By this means, he quickly got intelligence of the love-affairs of the family, which he conveyed to Sir Anthony, who never failed to improving them into innocent mirth, by pretending knowledge in palmiſtry, and telling fortunes. "It is not im- "probable but ſome ſuch a trifling ſtory as this, which was "merely a ſally of youth and humour, might be the foun- "dation of Biſhop Burnet's remark, that he had the dotage "of aſtrology in him to the higheſt degree."

1639. Occaſion of his being brought into parliament.

During his ſtay with Mr. Coventry, the principal people of the town of Tewkſbury invited their neighbour, the Lord Keeper's ſon, to a public dinner. All the neighbouring gentry, to grace the appearance, were, likewiſe, invited. At the dinner, Sir Anthony was placed near the upper end of the table, oppoſite to Sir Harry Spiller, one of the queen's council; a crafty perverſe man, and ſo extremely vain, that he deſpiſed all whom he thought his inferiors. Sir Harry opened the converſation with many affronts to the bailiffs, and their entertainment, which provoked and diſcountenanced both them and the reſt of the townſmen who were at the entertainment; and the more, as it was in the preſence of the firſt gentlemen of the county, before whom they were willing to appear to the beſt advantage. When he had

had diſcharged abundance of his ſpleen and rough raillery, 1639.
Sir Anthony thought it proper, as their gueſt, to encounter him; and being greatly ſuperior in underſtanding to Sir Harry, he retorted his raillery with ſuch wit and ſucceſs, that he obtained a complete victory, and ſilenced him. This gained Sir Anthony the hearts of the people: he was made free of the town, and the next parliament (which was called for April 13, 1640) though he was abſent, was not nineteen years old, and had no eſtate in the county, he was, without any application, or even his knowledge, unanimouſly choſen one of their repreſentatives*; and he ſerved them faithfully during the very ſhort time in which 1640.
that parliament ſat. His being thus early and honourably introduced into parliament, rendered him more emulous to appear deſerving of the truſt repoſed in him. He diligently attended the houſe of commons, in order to get an inſight into the ſtate of the nation, and every day wrote an account of their proceedings. From this time he turned his thoughts towards the ſervice of the public: he cultivated an acquaintance and friendſhip with the principal gentlemen in Dorſetſhire, and the adjacent counties: he eſtabliſhed frequent meetings among them; and his temper recommending him to them, the opportunity of converſation gave him a perfect § knowledge of their characters. It was by his aſſiduity in theſe reſpects, joined to the ſuperiority of his parts, that he gained an early reputation in the weſt of England; and was enabled very ſoon to diſtinguiſh himſelf in the conduct of public affairs, and in the tranſactions of the civil war.

* Stringer.

§ He drew many of their characters, which are ſtill extant in the remains of his memoirs, and carry in them inſtances of his regard for thoſe gentlemen, and ſingular marks of his vivacity.

SECTION

SECTION II.

Review of the conduct of Charles the First, from his acceſſion to the throne to the diſſolution of the parliament, March 10, 1628-9.

1624. Review of the cauſes of the civil war.

AS the cauſes of this war are not traced ſo high by our hiſtorians, as they certainly ought to be; as they are either partially or imperfectly related; as the grievances of the public are often but ſlightly mentioned, and in general terms, which never ſtrike with that force which particular inſtances do; and as the proceedings of the parliament for redreſſing them, are confounded under the ſame name of rebellion, with the tranſactions of the preſumptuous high court of juſtice; it may be proper, for the vindication of the parliament's honour, and for the honour of the Engliſh, who do not uſually complain till they feel, and are zealous for the dignity of their prince, when it is compatible with their liberties, to trace in a ſummary way, the riſe and progreſs of the diſunion between the king and the people.

Henry VIII. Henry the Eighth (a reſolute and haughty prince) began the Reformation in reſentment againſt the Pope. He diſſolved the abbeys, monaſteries, and other religious houſes, and diſtributed great part of the church lands among the nobility and gentry, to ſecure them in his intereſt.

Edward VI. What he began for political ends, his ſon Edward the ſixth nobly carried on for religious ones.

Q. Mary. The Reformation was ſcarce ſettled, when Queen Mary ſucceeded her brother, and made an haſty and furious return

to

to the Romiſh church. The nobility and gentry, however, refuſed to reſtore the church lands, but Pope Paul the Fifth declaring, it was not in his power to give leave that they ſhould be alienated, nothing could have long ſecured the laymen in their poſſeſſions, but the ſhort reign of Queen Mary, and with her of the papal power in England. 1625.

Queen Elizabeth, who ſucceeded, eſtabliſhed again the reformed religion, and an act was paſſed in her firſt parliament, for reſtoring to the crown the ancient juriſdiction, as well eccleſiaſtical as temporal, and for aboliſhing all foreign power repugnant to the ſame. The intereſt of the civil government and religion (of which, by our conſtitution, there is ſuch apparent connection and reciprocal influence) were carried on with eaſe and ſucceſs, as one point. The queen ſupported and enlarged the proteſtant intereſt abroad, as the ſureſt means of preſerving the balance of Europe. Q. Elizabeth.

The favourites at court, however, invaded ſo faſt the biſhops lands, that the wiſer part, both of ſtateſmen and churchmen, thought it neceſſary to check their progreſs in this reſpect. A ſtop, therefore, was put to the alienation of church lands. Upon this encouragement, ſome of the dignified clergy ſaid, that their predeceſſors had gone too far in their conceſſions, and that they would have acted better, if they had made a ſtand like the Spaniſh biſhops at the council of Trent; who, though they were willing to caſt off the Pope's authority, yet inſiſted that epiſcopacy was Jure Divino. The ſupporting them in theſe pretenſions was repreſented to the queen, to be as much the concern of the crown, as of the clergy; for as they would always be dependent on the ſovereign for their promotion, the power of the crown would be better and more ſecretly advanced by their means, than by any other.

1654. James I.

Though Queen Elizabeth was ſufficiently tenacious of her prerogative, ſhe was not ſeduced by this kind of reaſoning. But when King James the Firſt came to the throne, terrified and prejudiced as he had been by the treatment which he had received from the preſbyterians in Scotland, he was eaſily led into ſuch meaſures as the dignified clergy propoſed. In his firſt parliament, an act was paſſed, that no lands of the church ſhould be alienated, but remain firm to the ſucceſſors, in their reſpective dignities. This might be conſidered as requiſite for a juſt preſervation of the order. But many of the clergy, thinking that a proper time to extend their intereſt, reſolved to place themſelves above the reach of the civil government. The power of the church and the ſacredneſs of the hierarchy were their conſtant themes; while King James's favourite point was an abſolute government: to obtain this, he readily indulged the clergy in their peculiar opinions, and they, in return, preached up the divine right of monarchy, as well as epiſcopacy; a doctrine falſe in its principles, repugnant to reaſon, and pernicious in its conſequences; equally pernicious to the king and the people: to the king, by creating in him wrong notions of his happineſs and power; to the people, by ſowing the ſeeds of diſcord among them, and by making ſervility and adulation the road to preferment. To arrive at this, the clergy, in their pulpits and writings, aſſerted, that the king was not obliged to call parliaments for the making laws, or raiſing taxes. Theſe doctrines, and the power which the king and the clergy aſſumed and exerciſed in conſequence of them, worked up a general uneaſineſs in the minds of the people, which was ſtill heightened by every part of the king's conduct. Theſe doctrines laid the foundation of two parties in the kingdom, which have ever ſince unhappily ſubſiſted, though under different denominations, at different times.

As

As King James brought with him from Scotland, a ſecret prejudice againſt England, for the death of his mother, he had, likewiſe, an indifference for the reformation and the proteſtant religion. Though he had learning, it was the learning of a pedant: he had not the underſtanding neceſſary for a prince, nor the courage which was requiſite even for a private man. His vanity rendered him a dupe to his flatterers, and his irreſolution made him one to all Europe. He acted in every ſtep directly oppoſite to the intereſt of England, and the conduct of his predeceſſor Queen Elizabeth; who underſtood that intereſt, and purſued it in a better manner than almoſt any of our princes have done. He fixed his notions of greatneſs, not in the greatneſs of his people, but in being independent of them. Stubborn to theſe notions, he protected his miniſter againſt his ſubjects. Though imperious and inſolent to his people, he was a ſlave to all the powers of Europe, to whom he made conceſſions of almoſt every thing they demanded. He put to death Sir Walter Raleigh, one of the greateſt men of the age, in an infamous manner, to gratify the reſentment of the Spaniards; and he ſacrificed the intereſts of his own children to his fear. He neglected the honour of the nation, and abandoned the proteſtant intereſt abroad. As he lived, ſo he died, leaving to his ſon a fund of diſcontent in the minds of the people, an arbitrary miniſter for his favourite, and in himſelf the worſt example which could poſſibly be followed. King Charles the Firſt had courage, and many good qualities which his father wanted; but by his education, his miniſter, and the doctrines of an ambitious and corrupt part of the clergy, he was led into the ſame unhappy meaſures. Flattered into an opinion that his will was ſuperior to the law, he ſoon made that opinion the guide of his actions. He ſeemed to think the affections of his people and the eſteem of his parliament, conſiderations beneath his regard, and inconſiſtent with his dignity.

1656.

Charles I.

1625, June 18. At the first meeting of his parliament, upon his coming to the crown, he began to shew that he would keep them at a greater distance, than some of his predecessors had done. For whereas Queen Elizabeth was accustomed to speak herself to her parliaments, to shew her regard for them, and King James, to display to them his learning; this did not suit so well with the haughtiness of Charles's temper; and, therefore, he said to them in the conclusion of his speech: † "I mean to bring up the fashion of my predecessors, to "have my Lord Keeper speak for me in most things: there-"fore, I have commanded him to speak something unto "you at this time, which is more for formality, than any "great matter he hath to say unto you."

His treatment of his parliament.

He soon dissolved this parliament, because they expressed their dissatisfaction at the conduct of his minister, and insisted upon a redress of grievances: such as the mispending the public treasure; the neglect of guarding the seas, which was so great, that Turkish pirates landed in the west of England, and carried away several captives: and, what had extremely exasperated the minds of the people, the lending the Vanguard, a principal ship of the royal navy, and seven merchant ships, of great burthen and strength, to the French, who intended to employ them against the protestants besieged in Rochelle. Pennington, who had the command of these ships, was dissatisfied with his commission. The captains, likewise, and the soldiers and mariners in the other ships, understanding they were to be employed in blocking up the harbour of Rochelle, refused the service; and, though they were tempted with great rewards, declared they would rather sink or be hanged, than serve

Public grievances.

† This fashion, thus introduced, or revived by him, was continued through the rest of his reign, and was carried on during the whole reign of his successor Charles the Second.

against

againſt thoſe of their own religion. They returned again to the Downs, and, in the mean time, the Duke of Rohan and the proteſtants of France ſolicited the king againſt ſending the ſhips; and applied, likewiſe, to the council, the greateſt part of whom thought they had been deſtined for another ſervice. But the king ſent an expreſs and ſtrict order to Pennington, requiring him, without delay, to put his former command in execution, and to deliver up the Vanguard, with all her furniture, into the hands of the French. He ordered, alſo, farther, that the ſeven merchant ſhips ſhould enter into the ſervice of the French monarch, and that, in caſe of their backwardneſs, the admiral ſhould uſe all means to compel them to it, even to their ſinking, if they refuſed. Upon this Pennington obeyed, returned to Dieppe, delivered up the Vanguard, and commanded the reſt of the fleet to do the ſame. But the companies, unanimouſly, one man excepted, who was a gunner, declined the ſervice, and quitted the ſhips. 1625.

Diſſolution of parliament.

The Duke of Buckingham was complained of, as the author of theſe and other grievances; but, at the ſame time, the commons unanimouſly drew up a declaration, in very modeſt and reſpectful terms, in which they expreſſed their readineſs, not only to diſcover and reform the grievances of the ſtate, but, alſo, to raiſe all neceſſary ſupplies for the king. This declaration was preſented to him, but he, being determined not to ſuffer any reflections on his miniſter, diſſolved the parliament on the 12th of Auguſt 1625.

Money raiſed by privy ſeals.

After the diſſolution, the king ſent letters to the lieutenants of the counties, ordering them to return the names of ſuch perſons within their reſpective counties, as might be able to furniſh him with ſums of money, and to ſpecify their dwellings, and what ſums the lieutenants thought they might ſpare; for which privy ſeals were afterwards iſſued out.

1625. out. The collectors of the loan were required, alſo, to return the names of ſuch as diſcovered a diſpoſition to delay, or excuſe, the payment of the ſums impoſed.

New parliament. The king called another parliament, which met February the 6th, 1625-6. He treated this as he had done the former; for in all his ſpeeches he uſed a ſtyle intirely unbecoming an Engliſh prince to an Engliſh parliament. He told the houſe of commons, ſoon after their meeting, that "he would not allow any of his ſervants to be queſtioned "by them, and that if they did not haſten his ſupply, it "would be worſe for themſelves, for if any ill happened, "he thought he ſhould be the laſt that would feel it." Notwithſtanding this, the duke was attacked as the chief cauſe of all the public miſcarriages; upon which the king told them again in a meſſage, that "he would not allow "any of his ſervants to be queſtioned amongſt them, much "leſs ſuch as were of eminent place, and near unto him." This could not but increaſe the diſcontents of the people, who ſaw that their welfare was conſidered as inferior to the duke's, and that their intereſt was ſacrificed to the humour of a favourite. The ſpirit of the houſe, however, did not ſubmit; for the grievances were ſtill inſiſted on, the principal of which were, new impoſitions and monopolies, the demand of loans, levying of tonnage and poundage without act of parliament, and the miſapplication of the treaſure thus raiſed: all which were heightened by the loſs of the nation's honour, in ſuffering contempts and affronts from every neighbouring power; in the ill-conducted endeavours 1626. in behalf of the Palatinate; in the fruitleſs and expenſive expedition againſt Cadiz; and in permitting the very coaſts to be infeſted by the pirates of Algiers, to the great prejudice and interruption of trade. For theſe and other matters,

Spirited conduct of the parliament.

ters, the Duke of ‖ Buckingham was impeached by the commons. Sir Dudley Diggs and Sir John Elliot, two of the managers, were, immediately after the impeachment, ſent for out of the houſe, by two meſſengers of the chamber; who, by the king's command, conveyed them to the Tower: and the king told the houſe ſoon after, that "he "had been too remiſs heretofore in puniſhing ſuch inſolent "ſpeeches as concerned himſelf." The commons, reſenting ſo notorious a violation of their privileges, in the impriſonment of their members, reſolved to proceed in no other buſineſs, till they were righted in their liberties: and the judges giving it as their opinion, that the whole houſe was under arreſt, by the reſtraint of any of its members, without a proper reaſon being aſſigned, Sir Dudley Diggs and Sir John Elliot were releaſed. The impriſoning of theſe two worthy patriots was a weak, as well as an arbitrary ſtep; for as violent actions, which a prince cannot juſtify, tend to render his government hated, ſo his being reduced to ſhew that he cannot ſupport them muſt make it deſpiſed. 1626.

Regard ſhewn to the king.

Notwithſtanding the commons were ſo ſtrenuous for a redreſs of the public grievances, they manifeſted a proper regard to the king's neceſſities. They voted him an ample ſupply; and that the bill for the ſame ſhould be brought in as ſoon as the grievances were preſented to, and redreſſed by the king. They appeared, likewiſe, extremely cautious of giving him the moſt diſtant offence: for one Mr. Moor having ſaid in a debate, "We were born free, and muſt "continue free, if the king would keep his kingdom;" adding, however, theſe words, "thanks be to God, we have

‖ What was ſaid of Lewis the Eleventh of France, was applied in the houſe, as the cauſe of all the grievances; that the king's council rode upon one horſe.

"no

1626. " no occaſion, we having a juſt and pious king;" he was committed by them to the Tower, and kept there till the king declared he had forgiven his offence. It is evident that it was not any irregular or improper method which the commons purſued, in order to have the public grievances redreſſed, but the deſign itſelf of redreſſing them, which irritated the court, and produced their diſſolution: for the king ſent a letter to the ſpeaker, wherein, among many other things, he ſaid, " We " will and require you to ſignify unto them [the commons] " that we do expect that they forthwith bring in their bill " of ſubſidy, to be paſſed without delay or condition, ſo as " it may fully paſs the houſe by the end of the next week at " the fartheſt; which if they do not, it will force us to take " other reſolutions." The commons returned a dutiful and ſubmiſſive anſwer to this, which was delivered by their ſpeaker: but, upon their proceeding to a remonſtrance relating to the Duke of Buckingham, and concerning tonnage and poundage taken by the king, ſince the death of his father, without conſent of parliament; the king reſolved immediately to diſſolve them. Upon this, the houſe of lords prepared a petition, expreſſing " their great and univerſal " ſorrow for his meſſage about the diſſolution, and, there- " fore, being his hereditary great council, they offered him " their faithful advice to continue this parliament; by " which the great and apparent dangers at home and abroad " might be prevented, and his majeſty made happy in the " duty and love of his people; the greateſt ſafety and trea- " ſury of a king." The lords then ſent the Earls of Manchester, Pembroke, Carliſle, and Holland, to entreat the king to give audience to the whole houſe of peers. But the king's ears and heart were open only to his favourite, whilſt they were ſhut againſt the advice of both houſes of parliament, and the complaints of the people. He, therefore, returned for anſwer, that " his reſolution was to hear no " motion

His haughty conduct.

" motion to that purpoſe, but he would diſſolve the par- 1626.
" liament:" and when they deſired him to permit the parliament to ſit but two days longer, he anſwered, in a peremptory manner, " no not a minute:" and he accordingly diſſolved them on the 15th day of June 1626.

Oppreſſive meaſures.

The king, after the diſſolution, perſiſted in his former illegal and oppreſſive methods of raiſing money, notwithſtanding the general offence they had given both to the parliament and the public. Privy ſeals were iſſued out for a general loan. A loan of a hundred thouſand pound was demanded of the city of London, but the citizens refuſed the payment of it. The port towns and maritime counties were required to furniſh ſhips for the king's ſervice. The deputy lieutenants and juſtices of the peace for Dorſetſhire petitioned the council table to be excuſed, and pleaded that the caſe was without precedent: but the council ſeverely checked them for diſputing, inſtead of obeying, their king's commands; and ſaid, that ſtate occaſions were not to be guided by ordinary precedents. The city of London was, likewiſe, required to furniſh the king with twenty of the beſt ſhips in the river, with all manner of tackle, ammunition, &c. and when the citizens petitioned for an abatement of the twenty ſhips rated upon them, they were told, that the charge impoſed on them was moderate, as not exceeding the value of many of their private eſtates; that ſuch petitions were not to be received; and whereas they mentioned precedents, they ought to know that the precedents of former times were obedience and direction; and that precedents were not wanting for the puniſhment of thoſe that diſobeyed the king's command.

1726. The § loan before-mentioned was exacted with ſuch rigour, that thoſe men of eſtates who refuſed to ſubſcribe, were bound over by recognizance, to appear at the council table; and many of them, as Sir John Elliot, Sir Thomas Wentworth (afterwards Earl of Strafford) Mr. Hampden, and others, were committed to different priſons, and which were far removed from the counties were they lived. Such numbers were committed, that the council table was as much employed to provide priſons for thoſe who refuſed the loan, as to provide for the king's neceſſities.

Many gentlemen impriſoned.

1627.

Public complaints. The clamours, which were raiſed by the exacting of this loan, were increaſed by the manner in which it was ſquandered: for as the king entered, without due conſideration, into a war with France, ſo the war itſelf was managed with the higheſt imprudence, and ended with the greateſt diſhonour. This, with the many obſtructions on trade, the number of ſhips taken, the neglect of the merchants to build more, becauſe their ſhips had been preſſed for the king's ſervice at a low rate, and not paid; and other oppreſſions beſide, made the expectations and call for a parliament univerſal.

Gentlemen releaſed. When the reſolution for calling one was taken in council, warrants were ſent to the different counties, to releaſe thoſe gentlemen who had been impriſoned on account of the loan; which was a farther proof of the weakneſs, as well as the injuſtice of committing them. And to ſhew how general the ſenſe of this was, the men who had been impriſoned were moſt of them (as Ruſhworth ſays) elected "to pre-"ſent the peoples grievances, and aſſert their liberties."

§ Sir Randolph Crew, Chief Juſtice, was removed from his place becauſe he did not ſhew ſufficient zeal for advancing the loan.
RUSHWORTH.

A ſufficient

A ſufficient caution this to the king, not to perſevere in his arbitrary meaſures, if he had been wiſe and happy enough to have taken it in proper time. 1627.

New parliament.

The next parliament met March 17, 1627-8, with the ſame diſpoſitions which the former had; and unfortunately for the king, he continued, likewiſe, in the ſame temper. The haughtineſs of his ſpirit, by a ſtrange fatality, ſeemed to riſe as the peoples clamours and grievances roſe; and the greater his neceſſities were, the greater was his contempt of his ſubjects; as if angry to be obliged to depend upon them. At the firſt opening of the parliament, before any ſtep was taken which could give him any diſguſt, he ſpoke to them in a very lofty and improper ſtrain. "If you "(ſays he) as God forbid! ſhould not do your duties in "contributing what the ſtate at this time needs, I muſt, "in diſcharge of my conſcience, uſe thoſe other means "which God hath put into my hands, to ſave that which "the follies of ſome particular men may otherwiſe hazard "to loſe. Take not this as a threatening; for I ſcorn to "threaten any but my equals." Notwithſtanding the king's manner of ſpeaking to them, the commons were not diverted from that duty which they owed to themſelves and the public. On the 22d of March, they opened the buſineſs of parliament with inquiring into the ſtate of the nation, and the public grievances; ſuch as billetting of ſoldiers, loans by benevolence and privy ſeal, and the impriſonment of perſons who refuſed to lend their money as demanded; and who, notwithſtanding they brought their Habeas Corpus, were remanded to priſon. In the debate, Sir Edward Coke (who had been Lord Chief Juſtice) quoted a record of the 25th of Edward the Third, which he ſaid was worthy to be written in letters of gold: "That loans againſt the will of "the ſubject are againſt reaſon, and the franchiſes of the "land." Journals.

1628. Proceedings of the parliament.

The commons, being reſolved to aſſert the rights of the people, came to ſeveral reſolutions with regard to the freedom of their perſons, and the ſecurity of their properties; and among others, they unanimouſly reſolved, "That no "free-man ought to be detained or kept in priſon, or "otherwiſe reſtrained by the command of the king or the "privy council, or any other, unleſs ſome cauſe of the "commitment, detainer, or reſtraint be expreſſed, for "which by law he ought to be committed, detained, or "reſtrained." At the ſame time, they ſhewed themſelves ſo diſpoſed to aſſiſt the king, that they voted him a very large ſupply of five ſubſidies, the greateſt gift (as the king himſelf acknowledged) that ever had been given in parliament. And as he was pleaſed with the ſupply itſelf, he was no leſs pleaſed with the manner of granting it; for when Secretary Coke informed him of it, he aſked, "by "how many votes it was carried:" the ſecretary told him, "but by one." The king ſhewing a concern at this, "Sir, "(ſaid he) the houſe was ſo unanimous that they made but "one voice." Before the ſupply was voted, the king had ſent the commons a meſſage, that they might ſecure themſelves in their rights and liberties, by bill or otherwiſe as they thought fit, and aſſured them that he would give way to it. When the commons had finiſhed their reſolutions with regard to the liberty of the ſubject, they tranſmitted them to the lords for their concurrence; and ſeveral members were appointed to manage a conference concerning them. When theſe reſolutions were taken into conſideration by the lords, Sir Francis Aſhley, the king's ſerjeant, ſaid, "The propoſitions made by the commons tended ra- "ther to an anarchy than a monarchy, and that they muſt "allow the king to govern by acts of ſtate;" for which he was committed to cuſtody by the lords, till he recanted. However, the lords, at a conference, made ſome propoſitions to be added to the commons petition of rights; which

April 3.

Journals.

the

the laſt looked on as an artifice to defeat it. To prevent 1628.
their reſolutions from being carried into a bill, the king ordered the lord keeper to acquaint both houſes of parliament (when he himſelf was preſent) " That he held the ſtatute " of Magna Charta and the other ſix ſtatutes inſiſted on for " the ſubjects liberty to be all in force: that he would " maintain all his ſubjects in the juſt freedom of their per- " ſons, and ſafety of their eſtates; and that they ſhould " find as much ſecurity in his majeſty's royal word and pro- " miſe, as in the ſtrength of any law they could make." The houſe of commons, however, appointed a committee, conſiſting of the moſt eminent lawyers, to draw up a bill concerning Magna Charta, and the other ſtatutes relating to the liberty of the ſubject. The king, though he had before propoſed to them to ſecure their liberties by a bill, was ſo averſe to this, that, on May the firſt, he ſent a meſſage by Secretary Coke, to know whether they would reſt on his royal word declared to them by the lord keeper; which meſſage, after a long ſilence among the members, was taken up with great warmth. In the debate, it was ſaid that the ſubjects had ſuffered more, in the violation of their ancient liberties, within a few years, than in three hundred years before. Sir Edward Coke, therefore, propoſed, " that " they ſhould ſecure their liberties by a bill, which the " king had promiſed to give way to;" and Sir Thomas Wentworth ſaid, " that their deſire to vindicate the ſubjects " rights by bill was no more than was laid down in for- " mer laws, with ſome modeſt proviſion for inſtruction, " performance, and execution." In the midſt of their deliberations, the king ſent another meſſage to the former purpoſe, and to acquaint them that he would put an end to the ſeſſions of parliament in leſs than a fortnight. Upon this, the houſe reſolved upon an anſwer to all his meſſages, which was delivered by the ſpeaker, ſetting forth, " the " king's offer to them of a bill for ſecuring their rights and " liberties;

1628. " liberties; that they had no intention to incroach on his " prerogative; and that the bounds of their desires extend- " ed no farther than to some necessary explanations of that " which was truly comprehended within the just sense of " old laws." The king returned an answer by the lord keeper, in which he said, " their greatest trust and confi- " dence must be in his goodness; without which nothing " they could frame would be of safety or avail to them: " that he was content a bill should be drawn for a confirma- " tion of Magna Charta, and the six other statutes insisted on " for the subjects liberties, but without additions, para- " phrases, or explanations." At the same time, his ministers, in the house of commons, pressed the members not to lose time by a bill, but to declare their dependance upon the king's word: upon which Sir Edward Coke justly said, " that ge- " neral words never were a sufficient satisfaction for parti- " cular grievances; that the king must speak by a record, " and in particulars, and not in general; that they could " not take the king's trust but in a parliamentary way; " that is, the king sitting on his throne in his royal robes " and his crown on his head in full parliament, both " houses being present. All these circumstances observed, " and his assent being entered upon record, made his royal " word the word of a king." Therefore, he moved that the house should, according to the custom of their prede- cessors, form a petition of right, which, being confirmed by both houses, and assented to by the king, would be as valid as any act. This was resolved on, and completed May the 8th. After reciting clauses in Magna Charta, and statutes of the reigns of Edward the Third and other kings, " that no man should be imprisoned without due process of " law;" and after mentioning many grievances under which the people laboured, the petition concluded, " that " they do, therefore, pray that no man hereafter be com- " pelled to make or yield any gift, loan, benevolence, " tax,

Petition of right.

" tax, or ſuch like charge, without common conſent by " act of parliament; and that none be called to make an- " ſwer, or take ſuch oath, or to give attendance, or be " confined, or otherwiſe moleſted concerning the ſame, or " for the refuſal thereof; and that no free man, in any " ſuch manner as is before-mentioned, be impriſoned or " detained." The petition was ſent to the lords for their concurrence, who made an addition of the following words, viz. " With due regard to leave intire that ſovereign power, " wherewith your majeſty is truſted for the protection, " ſafety, and happineſs of the people." This being ſtrongly objected to by the commons, and particularly the moſt eminent lawyers, as Sir Edward Coke, Mr. Noy, and Mr. Selden, as, likewiſe, by Sir Thomas Wentworth and Mr. Pym, the lords did not inſiſt on it, but agreed to the petition, with two amendments of no great importance, with which it paſſed unanimouſly through the commons. It was then preſented to the king; but his * anſwer was not thought full enough, or ſatisfactory; and the king for ſome time ſeemed determined not to give any other; for he ſent a meſſage by the ſpeaker, " That he reſolved to abide by " that anſwer, without further change or alteration." 1628.

The many artifices which the king made uſe of, to evade the performance of his promiſe and of the offer he had himſelf made, for ſecuring the peoples liberties, were not only unworthy of him, but were a fatal preſage and evident cauſe of that diſunion which happened afterwards between

* The anſwer was, " The king willeth that right be done accord- " ing to the laws and cuſtoms of the realm; and that the ſtatutes be " put in due execution, that his ſubjects may have no cauſe to com- " plain of any wrong or oppreſſions, contrary to their juſt rights and " liberties: to the preſervation whereof he holds himſelf in conſcience " as well obliged, as of his prerogative."

him

1628. him and his ſubjects. As the bill of ſubſidies, however, was not intirely completed, he would not venture to break with the commons, and as the lords afterwards joined with them in addreſſing the king to give a clear and ſatisfactory anſwer to the petition in full parliament; he went on the 7th of June 1628, and gave his aſſent to it in theſe words, "Soit droit fait come il eſt deſir."

Aſſented to by the king.

The houſe of commons, upon this, proceeded to complete the bill of ſubſidies. At the ſame time, however, they took into conſideration the ſtate of public affairs, and drew up a remonſtrance, ſetting forth, that the exceſſive power of Buckingham, and the abuſe of that power, was the cauſe of great evils and dangers to the king and kingdom. This remonſtrance being completed, was ordered to be preſented by the ſpeaker to the king; whilſt, on the other hand, the king, as if with deſign to thwart and oppoſe the parliament in their proceedings, directed that an order ſhould be made in the Star-chamber, "that, whereas an informa-"tion had been exhibited againſt the duke for divers great "offences, the ſaid information, with all proceedings "thereupon, ſhould be taken off the file; that no memory "or record thereof might remain which would tend to the "duke's diſgrace;" and the only reaſon alledged for this was, becauſe the king was fully ſatisfied of the duke's innocence. The commons, however, proceeded to another remonſtrance, importing, that the receiving of tonnage and poundage, and other impoſitions not granted by parliament, was a breach of the fundamental liberties of the kingdom, and contrary to his majeſty's royal anſwer to the petition of rights. Whilſt this was reading in the houſe, the king went to the parliament June the 26th, and after taking notice of the firſt remonſtrance and the preparing of the ſecond, and after telling them that he owed the account of his actions to God alone, he prorogued the parliament till the

Remonſtrances.

the 20th of October; and it was afterwards prorogued to the 20th of January. On the 23d of Auguſt, the Duke of Buckingham was killed by Felton. The ſame violent meaſures, however, were purſued under other miniſters, and the ſame incroachments were made on the liberties of the people. 1628.

When the parliament met, January the 20th, 1628-9, they immediately proceeded upon an enquiry into the violation of the liberties of the ſubject, contrary to the petition of rights: whilſt, on the other hand, the king, five days after the opening of the parliament, ſent them a preſſing meſſage to take the affair of tonnage and poundage into conſideration. But the houſes were determined, in the firſt place, to examine the violation of liberty and property, and to proceed, in the next place, upon matters of religion. Upon this, the king repeated his meſſages, which brought the commons to reſolve on the following anſwer to him: "That thoſe frequent meſſages were inconvenient; that they bred debates and loſs of time; and "that tonnage and poundage ariſing naturally from the "houſe, they would in fit time take ſuch a courſe therein "as they hoped would be to his majeſty's ſatisfaction and "honour." Whilſt, with the ſpirit of an Engliſh parliament, they were inquiring into the public grievances both religious and civil, the king unfortunately interpoſed in their proceedings, in an irregular and injudicious manner: for when, on the 22d of February, ſome queſtions were propoſed to be put by the * ſpeaker, he refuſed, ſaying, "he "was otherwiſe commanded by the king." Upon this, the houſe adjourning in ſome heat to the 25th, they were by the king's command adjourned to the 2d of March. 1628-9.

* Sir John Finch.

1628-9. At their meeting upon this day, the commons urged their ſpeaker again to put the queſtions, which he again refuſed, ſaying, "I have a command from the king to adjourn till "March the 10th, and put no queſtion." A diſſolution, however, being foreſeen, the ſpeaker was held in the chair till a proteſtation was made in the houſe:

"That whoſoever ſhould bring in innovation of religion, "or by favour or countenance ſeem to extend or intro- "duce Popery or Arminianiſm, or other opinion, diſagree- "ing from the truth, and the orthodox church, ſhould be "reputed a capital enemy to this kingdom and common- "wealth:

"That whoſoever ſhould counſel or adviſe the taking "and levying of the ſubſidies of tonnage and poundage, "not being granted by parliament, or ſhould be an actor "or inſtrument therein, ſhould be likewiſe reputed an in- "novator in the government, and a capital enemy to the "kingdom and commonwealth:

"And if any merchant or perſon whatſoever, ſhould "voluntarily yield or pay the ſaid ſubſidies of tonnage and "poundage, not being granted by parliament, he ſhould "likewiſe be reputed a betrayer of the liberties of England, "and an enemy to the ſame."

The next day after this proteſtation, warrants were directed from the council to Mr. Denzil Hollis, Sir Miles Hobart, Sir John Elliot, Sir Peter Hayman, Mr. Selden, Mr. Coriton, Mr. Long, Mr. Stroude, and Mr. Valentine, to appear before the council. Mr. Hollis, who was ſon to the Earl of Clare, was ‖ aſked, wherefore the morning when

‖ Crew's Debates.

the

the parliament was diſſolved he placed himſelf by the * chair, above divers of the privy counſellors. He anſwered, " that " he took it to be his due in any place whatſoever, unleſs " at the conncil board; yet, finding his majeſty was now " offended with him, he humbly deſired that he might " rather be the ſubject of his mercy than his power:" upon which the † treaſurer ſaid, " you mean, rather of his ma- " jeſty's mercy than his juſtice." Mr. Hollis replied, " I " ſay of his majeſty's power, my lord." Sir John Elliot, being queſtioned for what he had ſaid in the houſe, anſwered, " that whatſoever was ſaid or done by him in that place, " and at that time, was performed by him as a public man, " and a member of that houſe; that he was, and always " would be, ready to give an account of his ſayings and " doings in that place, whenſoever he ſhould be called to " it by that houſe; where, as he took it, he was only to " be queſtioned; and in the mean time, being but a pri- " vate man, he would not trouble himſelf to remember " what he ſaid or did in that place as a public one." 1628-9.

Thoſe of the members who appeared were committed cloſe priſoners to the Tower, and warrants were iſſued out for ſealing up the ſtudies of Mr. Hollis, Mr. Selden, and Sir John Elliot.

The members were committed whilſt the parliament was in being; the proclamation for diſſolving them not being publiſhed till ſix days after: and as if ſo notorious a violation of the privileges of parliament, and of the petition of rights, ſo lately and ſolemnly granted, was not ſufficient to exaſperate the minds of the people; the king, at the diſ-

* Mr. Hollis and Mr. Valentine were the two members who held the ſpeaker in the chair.

† Lord Weſton.

1628-9. ſolution, contributed ſtill farther towards it: for he directed his ſpeech only to the lords, and made ſuch a diſtinction between the conduct of the houſes, and his regard for them, as could not but be ungrateful to the commons. He, likewiſe, told the lords, that "the other houſe was "governed by a few vipers among them; and he con- "cluded, as thoſe vipers muſt look for their reward of pu- "niſhment, ſo you, my lords, muſt juſtly expect from me "that favour and protection that a good king oweth to "his loving and faithful nobility."

The king, not contented with committing the members, carried his ſeverity a greater length, by detaining them in priſon, contrary to the laws of the land; for ſome of them being brought upon their Habeas Corpus to the King's Bench, their council argued for their being bailed. Being remanded back till the court were ready to give their opinions, the priſoners could not then be produced, having been ſent to other priſons the day before, by the king's particular warrant; and the court refuſed to deliver their opinion in the abſence of the priſoners. The king, the day before, had ſent a letter to the judges of that bench, "that "he had reſolved none of the priſoners ſhould be brought "before them, until they had given him cauſe to believe "they would behave themſelves better." What ſtill more aggravated this conduct was, that he had three hours before ſent a letter to the judges, wherein he conſented, "that Mr. Selden and Mr. Valentine ſhould appear before "them." By this means they were ſtill kept in confinement. What ſecurity could the people depend on for their liberties, when the king ſo openly over-ruled the proceedings of the judges, and the judges ſo ſervilely ſubmitted to his orders! The attorney general afterwards exhibited an information againſt them in the King's Bench, to which they put in a plea to the juriſdiction of the court: for their offences

offences being ſuppoſed to be done in parliament, they ought not to be puniſhed but in parliament; and, as they would not put in any other plea, the court gave judgment, "for continuing them in priſon during the king's plea-"ſure," and for fining ſome of them, particularly Sir John Elliot, in the ſum of two thouſand pounds. They were kept in priſon many years, ſome of them till the writs were iſſued for a new parliament in 1640: and Sir John Elliot, who had proved himſelf an active, diſintereſted, and worthy member of parliament (and, therefore, an obnoxious one) died in the Tower *. 1628-9. 1629.

Upon the diſſolution of the parliament, the public were highly diſcontented; which appeared in the boldneſs of their ſpeeches, and their univerſal complaints, that if a parliament were not preſently called again, all things would be unſettled and out of order; that trading would fail, and conteſts would perpetually ariſe about tonnage and poundage. Hereupon the king publiſhed a proclamation on the 27th of March, "That he neither could nor would diſpenſe "with the duties his father had received; and that he "ſhould not call a new parliament, till thoſe who had in-"terrupted the laſt, had received their condign puniſh-"ment; and thoſe who were miſled by them ſhould come "to a better underſtanding of his majeſty and themſelves."

* During his illneſs, he preſented ſeveral petitions that the ſeverity of his impriſonment might be relaxed; but though his phyſicians ſubſcribed their opinions that it was abſolutely neceſſary, and his life was in imminent danger, they could not prevail for obtaining it.

SECTION

SECTION III.

Review of King Charles's conduct continued, from the diſſolution of the parliament March 10, 1628-9, to the meeting of the long parliament.

1629.

Bad conduct of foreign affairs.

WHILST the king was indulging his anger againſt the members of the laſt parliament, he gave up his quarrels with his foreign enemies; and whilſt he was intent upon increaſing his power at home, he loſt it abroad; and with it his reputation. Having had no ſucceſs againſt the crowns of France and Spain, he was glad to accept of peace from them upon any terms; and inſtead of ſupporting the proteſtants of France, as he was bound in honour to do, he ſacrificed them to the reſentment of their court. After having engaged them to take up arms (which they had laid down but a little before) and after having aſſured them that he would employ all the power of his kingdom to ſhield their churches from the ruin that threatened them (in purſuance of which they had bound themſelves by oath never to hearken to any treaty without his conſent) he left them to make the beſt terms which they could for themſelves; to the ruin of the proteſtant intereſt in France, and to the diſhonour of England. They had, for the maintenance of their religion, acted with the greateſt reſolution, and ſuffered the extremeſt hardſhips that men could bear. They had been reduced, in Rochelle, during the ſiege of it, to ſuch want and miſery, that for above fourteen months they had ſubſiſted on hides and parchments, and even the bones of the dead; till, deſpairing of ſuccour from England, (which they

French proteſtants deſerted.

they expected) they were obliged to ſurrender the place in October 1628. The Duke of Rohan, head of the proteſtant party in France, not knowing that King Charles had diſſolved his parliament, implored his aid in behalf of the reformed churches of France, in a * letter dated the 12th of 1629.

* SIR,

THE deplorable accident of the loſs of Rochelle, which God hath pleaſed to permit, to humble us under his hand, hath redoubled, in the ſpirit of our enemies, the paſſion which they have for our ruin; and the hopes to obtain thereunto: but it hath not taken away from thoſe churches of the provinces, that courage, or affection of oppoſing, by a juſt and vigorous defence, to their unjuſt deſigns. This is that which hath made them take up a reſolution, and aſſemble themſelves together; and to ſtand in a body amidſt theſe commotions, to aſſiſt me with their good counſel, and provide with me means for their deliverance. And becauſe the moſt powerful means which God hath raiſed them upon earth, is the aid which our churches have received, and do expect from your majeſty, the general aſſembly have deſired, that my letter (which ſolely hitherto repreſented unto your majeſty the intereſt of the public cauſe) might be joined to the moſt humble ſupplication which they repreſent. I do it, ſir, with ſo much the more affection, becauſe I am witneſs that this poor people breathe after your aſſiſtance, having once laid down their arms, which the oppreſſion of the enemy made ſo neceſſary: and becauſe they knew it was your deſire, took them up again, when they learned that your majeſty obliged them to it by your counſel and by your promiſes. Upon this ſole aſſurance, they have expoſed themſelves to all dangers, overcome all obſtacles, conſumed their goods, and are ſtill ready to ſpill their blood, even unto the laſt drop. Your good-will they have found more dear than their lives; and, notwithſtanding the promiſes and menaces which their enemies have made uſe of to move them, they have not been induced to make any breach of thoſe oaths, by which they were tied never to hearken to any treaty, but with your majeſty's conſent. All the churches of this kingdom, which are linked together to an unexampled fidelity, are glorious objects of your charity and power; you are, ſir, "defender of that faith, "which they profeſs:" do not ſuffer it to be unjuſtly oppreſſed: you have ſtirred up their affections by your royal promiſes, and thoſe ſacred words, "that your majeſty would employ all the power of your "kingdom to ſhield thoſe churches from the ruin that threatened "them;"

Duke of Rohan's letter to the king.

1629. of March 1628, being two days after the parliament was diſſolved. At the ſame time, deputies arrived from the churches, to acquaint the king, that, in caſe he ſhould enter

"them;" and have been, next to the favour of God, the only foundation of their hopes: they have alſo thought it to be one of the higheſt crimes they could commit, to doubt of the performance thereof. If the beginning of their miſeries hath moved your compaſſion, this ſad ſubject hath increaſed upon them with ſo much violence, that there is nothing but your aſſiſtance can prevent their abſolute deſtruction: for at this day the greateſt miſdemeanors which our enemies accuſe us of, and publiſh, that it cannot be expiated but with our blood, is the imploring and hoping for your aſſiſtance. Our goods for this are confiſcated and deſtroyed; our farms deſolate and burnt to aſhes; our heads expoſed to the block; our families baniſhed; our temples demoliſhed; and every where, where the cruelty of our heinous enemies can extend, men and women are beaten to maſs with ſtaves. In ſhort, the horror and perſecution we endure is ſo great, that our words are too weak to expreſs them.

Furthermore, we ſee, even at our doors, the powerful armies, which only wait the time to deſtroy thoſe retiring places that are left, and after that baniſh the exerciſe of religion, and maſſacre the faithful throughout the kingdom. Hereupon, if I ſhould intreat your majeſty not to abandon us, I fear by theſe words to offend a great king, ſo powerful and ſo faithful: but I will take upon me the boldneſs, by reaſon of our preſſing neceſſities, to ſupplicate your ready aſſiſtance, to hinder our falling under the ſtrength of our enemies. Your majeſty need not ſearch elſewhere, but in your own profound wiſdom and experience, to render your ſuccour redoubtable to thoſe that deſpiſe it, and advantageous to thoſe people that expect it. By this means you will gain the greateſt glory that can be deſired; you will free from fire and ſword three hundred thouſand families, which pray to God continually for your proſperity; will preſerve a people, whom God hath purchaſed by his blood; and that have kept their faith towards God and man, amidſt the greateſt diſtractions and cruel ſufferings: will place the fidelity of your word, the reputation of your ſtate, and your armies in a point worthy of ſo much grandeur; and in checking the boldneſs of thoſe who undertake to blaſt it daily with unworthy reproaches, will add to your title that of "the reſtorer of "the moſt innocent people in the world, and the moſt inhumanly "perſecuted."

As

enter into a treaty with France, they humbly prayed him to inſiſt upon the capitulation that had been made upon his mediation, and with regard to which he had paſſed his word, that the reformed churches ſhould perform it on their parts. This they had inviolably done, till forces were raiſed and kept in forts againſt them, contrary to the capitulation; ſo that, at length, they were neceſſitated to take up arms in their own defence. 1629.

To the duke's letter, which was as affecting and pathetic as diſtreſs and eloquence could make it, and to the remonſtrance of the deputies, the king returned an anſwer to this effect: "That his majeſty underſtands there is an intention, "by the mediation of ſome foreign princes, to propoſe a "peace between the two crowns of England and France, "which probably he may incline unto; and, therefore, "adviſeth the ſaid duke, and thoſe of the reformed reli- "gion, timely to apply themſelves to the French king, and "to get as advantageous terms for himſelf, and thoſe en- "gaged with him, as he could procure: the king further "informing the duke, that he was conſtrained to diſſolve "the parliament, which he had lately re-aſſembled, from "whom he expected further ſupplies of money; but fail- The king's anſwer.

As to my own concerns, ſir, I make no mention to your majeſty of my intereſts. I might (having the honour to be what I am) do it without blame, as to outward appearance; but it is ſo long ſince I had conſecrated them to the uſe of the public, that I ſhall always eſteem my condition happy enough, provided the church be not miſerable; and that I may have this advantage, to be known by ſuch occaſions which your majeſty doth not diſprove of, that I am

Your Majeſty's

Moſt humble, and moſt obedient ſervant,

HENRY OF ROHAN.

At Rohan, the 12th of March, 1628-9.

(RUSHWORTH.)

1629. " ing thereof, he was not in a condition to contribute ſuch
" further aid and aſſiſtance, either by money or arms, as
" the Duke of Rohan, and thoſe that adhered unto him,
" might expect, and their preſent neceſſities require; his
" majeſty expreſſing his ſorrow, that the condition of his
" affairs were ſuch that he could not anſwer his and their
" expectation."

Public oppreſſions continued.

Lord Clarendon accuſes this laſt parliament of making unhappy aſſaults upon the prerogative; though, at the ſame time, he ſays he does not know any formed act of either houſe, that was not agreeable to the wiſdom and juſtice of great courts upon extraordinary occaſions. He ſays farther, that after ſome froward and obſtinate diſturbances in trade (which were ſeizing merchants goods, and impriſoning their perſons, for refuſing to pay duties not granted by parliament) there quickly followed ſo excellent a compoſure, throughout the whole kingdom, that the like peace, plenty, and univerſal tranquillity, for ten years, were never enjoyed by any nation, During theſe years, however, the king governed in an abſolute manner, without a parliament. By his own authority, and by numberleſs obnoxious projects, he raiſed great ſums of money. Not only the council and the ſtar-chamber, but even the courts of juſtice, were made uſe of to ſupport the public oppreſſion. Armies were maintained, and ſoldiers billeted on the people, by order of the privy council; and thoſe who oppoſed this, on account of its being contrary to law, were committed to priſon. The
1633. oppreſſions of the eccleſiaſtical courts were, likewiſe, very great; and many who had ſuffered by theſe courts, together with ſeveral miniſters who had been ejected from their livings becauſe they would not read the * declaration for ſports

* An order of ſeſſion was made in Somerſetſhire, when Lord Chief Juſtice Richardſon and Judge Denham were upon that circuit, for ſuppreſſing

ſports on a Sunday, were deſirous of quitting their native country. But, in order to block up the paſſage of theſe voluntary exiles, a proclamation was publiſhed, not to ſuffer any perſons, being ſubſidy men, or of their value, to paſs to any of the plantations without a licence. A proclamation was, alſo, publiſhed, commanding the nobility, gentry, and men of ſubſtance, except the privy council, or thoſe who were bound to daily attendance on the king, queen, and their children, to keep their reſidence in their ſeveral counties, and forbidding them to inhabit in London, Weſtminſter, and the places adjoining: and an information was afterwards lodged in the ſtar-chamber, againſt the Earl of Clare, Lord Mohun, and other peers, the Counteſs of Oxford, and many perſons of diſtinction; by which great fines were exacted for the uſe of the crown. 1633.

The king's conduct in Scotland.

The king, as if not ſatisfied with having irritated his Engliſh parliament, carried it with the ſame haughtineſs to his parliament in Scotland. He went thither to be crowned in 1633, and when an act was paſſed at that time in relation to his royal prerogative, and the apparel of kirkmen, ſeveral of the barons and burgeſſes ſuſpected that, under

ſuppreſſing ales and revels on Sundays. Archbiſhop Laud complained of this to the king. The chief juſtice was ſummoned to attend the council, where he was commanded to revoke his order: the chief juſtice replied, that the order was made at the requeſt of the juſtices of the peace in the county, with the general conſent of the whole bench, and upon view of divers ancient precedents. He was obliged, however, to go and declare at the next aſſizes, the former order revoked: whereupon the juſtices and many gentlemen of the greateſt diſtinction drew up a petition to the king, ſhewing the great inconveniences that would befall the country, if theſe meetings, condemned by the law, ſhould be ſet up again; but before it could be preſented, the king publiſhed a declaration, warranting ſports on Sundays.

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1633. this laſt part, the ſurplice was intended to be introduced. The king was aſked that queſtion, but he made no anſwer. At the ſame time he took a liſt of the members out of his pocket, ſaying, " Gentlemen, I have all your names here, " and I will know the truth this day who will do me ſervice, " and who will not." In his progreſs, likewiſe, through ſome parts of Scotland, as if ſtudious to be unpopular, he made ſo great a diſtinction between churchmen and preſbyterians, and did it in ſuch weak and unneceſſary inſtances, as could not but give offence in a country where ſo much the greater part of the people were preſbyterians. When
1634. the provoſts of Powis preſented plate to him, one of them was not admitted to kiſs his hand, becauſe he was not a churchman: and when the nobility and gentry at Fife had prepared an entertainment for him, he refuſed to go to it, becauſe many of them were preſbyterians. He afterwards endeavoured by force to eſtabliſh an hierarchy, and introduce the liturgy among them: this drew upon him a war with that nation, which he was not able to ſupport.

Arbitrary proceedings in England.

Ship money.

As the diſcontinuance of parliaments in England drove the king to any reſources for raiſing money, it gave encouragement to every kind of projectors. But of all the inventions for ſupplying the king, the writs for ſhip money gave the greateſt and moſt general diſſatisfaction. A writ was ſent in 1634 to the * city of London, to prepare a certain number of men of war for the king's uſe. Writs, likewiſe,

* By this, dated October 20, 1634, they were commanded and enjoined, upon their faith and allegiance, and under the forfeiture of all which they could forfeit, to carry to Portſmouth before the 1ſt of March following, one man of war of 900 tons, one of 800, four of 500, and one of 300, furniſhed with men, victuals, and all warlike proviſions.

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were

were ſent into the ſeveral counties for aſſeſſing the people; 1634.
and, for five years together, this ſcheme produced two hundred thouſand pounds a year. The writ was preſented by the grand jury of Northampton, as a grievance; upon which the clerk of the peace and freemen of the jury were ordered to attend, and give an account of their conduct; 1639.
and the privy council ſent a letter to Sir Chriſtopher Yelverton, high ſheriff of Northampton, reprimanding him, in very haughty terms, for officiouſly ſending them the petition of the grand jury, and for repreſenting the difficulties which he found in the execution of the king's writs. Upon the general ſenſe which the people had of the injuſtice of this tax, Mr. Hampden had, in the year 1637, at his own expence, withſtood the exaction of it; by which he acquired, at that time, a great and juſt reputation with the public: and, notwithſtanding the opprobrious character given him by one hiſtorian, and the inſidious attempts of others to detract from the merit and motives of his conduct, he has tranſmitted his name to poſterity, as a true aſſertor of the liberties of his country; and will be held in veneration, ſo long as the leaſt ſpark of Engliſh freedom is cheriſhed in the breaſt.

Mr. Hampden's noble conduct.

Lord Clarendon, ſpeaking of the tranquillity of the nation during this intermiſſion of parliament, ſays, "That "for twelve years they enjoyed the fulleſt meaſure of feli- "city, that any people in any age for ſo long time toge- "ther had been bleſſed with; yet he allows there were "extraordinary grievances. A proclamation, he admits, "was publiſhed to inhibit all men to ſpeak of another par- "liament; ſupplemental acts of ſtate were made to ſupply "defects of laws: tonnage, and poundage, and other du- "ties, which the parliament had refuſed, collected by or- "der of council; new and greater impoſitions laid upon "trade; obſolete laws revived and rigorouſly executed; "unjuſt projects of all kinds, many ridiculous, many ſcan- "dalous,

Lord Clarendon's repreſentation of things conſidered.

1639. "dalous, all very grievous, were ſet on foot; and, for the better ſupport of theſe extraordinary ways, and to protect the agents, and to diſcountenance and ſuppreſs all bold inquirers and oppoſers, the council-table and ſtar-chamber inlarged their juriſdiction to a vaſt extent: That any diſreſpect to acts of ſtate or to the * perſons of ſtateſmen was in no time more penal; and thoſe foundations of right,

* Mr. Bellaſis, Lord Fauconberg's ſon, was committed to the Gatehouſe, for not pulling off his hat to Lord Wentworth, lord preſident of the north. Many inſtances of extraordinary ſeverity were ſhewn to perſons, who had ſpoken even ſlightly of the Archbiſhop of Canterbury, who was jealous to the greateſt degree of his dignity, and earneſt for puniſhing the leaſt offenders againſt it. One remarkable inſtance was in the Rev. Mr. Lambert Oſbaldſton, a prebend and maſter of Weſtminſter ſchool. He and the Biſhop of Lincoln were charged by information in the ſtar-chamber, February 14, 1638-9, to have plotted together to divulge falſe news and lyes, and to breed a difference between Lord Treaſurer Weſton and the Archbiſhop. The charge was grounded upon ſome paſſages in two letters, written by Mr. Oſbaldſton in January 1633-4; as for inſtance: "The jealouſy "grows great and ſharp between the Leviathan and the little medling "Hocus Pocus." And in another letter, "My dear lord, I cannot "be quiet but I muſt write to your lordſhip: the ſport is grown tra- "gical, any thing would be given for a ſound and thorough charge "to puſh at, and confound the little urchin." Theſe letters were found in a box in the Biſhop of Lincoln's palace at Bugden, ſome years after their being written, and at a time when he was in the Tower. There could be no purpoſe, therefore, of divulging them. Mr. Oſbaldſton denied that he meant the treaſurer and the archbiſhop, by thoſe words; and they were applied to them only by an innuendo. The ſentence, however, was, that the Biſhop of Lincoln ſhould be fined five thouſand pounds to the king, and ſhould pay three thouſand pounds damages to the archbiſhop; ſhould be impriſoned during the king's pleaſure, and make his ſubmiſſion: That Mr. Oſbaldſton ſhould be fined five thouſand pounds to the king, ſhould pay five thouſand pounds damages to the archbiſhop; ſhould be deprived of all ſpiritual dignities and promotions; ſhould be impriſoned during the king's pleaſure, and make his ſubmiſſion: That he ſhould ſtand in the pillory in Dean's Yard before his own ſchool, with his ears nailed

" right, by which men valued their ſecurity, to the ap- 1639.
" prehenſion of wiſe men, never more in danger to be de-
" ſtroyed."

If it is true that the foundations of right were in ſuch danger, it was neceſſary for patriots to exert themſelves: and it is evident that the oppoſition made by the ſubſequent parliaments of April and November 1640, proceeded from 1640.
an honeſt zeal and firm reſolution to ſtrengthen thoſe foundations, to prop the bulwarks of the conſtitution, and to revive the dying laws of their country. It is as certain that the compoſure on which Lord Clarendon expatiates, was a

nailed to the pillory. Mr. Oſbaldſton, who ſtood in a crowd in the court during the trial, when he found what cenſure would be paſſed upon him, went away immediately to his own houſe, and there left the following note on a deſk: " If the archbiſhop inquire after me, tell " him I am gone beyond Canterbury:" Whereupon meſſengers were ſent to the port towns to apprehend him; but he lay hid in a private houſe, till the parliament met in November 1640.

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At a tavern in Chancery-Lane, ſome young gentlemen of Lincoln's Inn, were drinking a health, which a drawer who attended them informed the archbiſhop was to his confuſion; whereupon his grace procured a warrant to a meſſenger to bring them before the council. A little before the time of their appearance, they applied themſelves to the Earl of Dorſet to ſtand their friend; and acknowledged their unadviſedneſs in drinking a raſh health. The earl aſked who was the witneſs againſt them; they anſwered, one of the drawers: where did he ſtand, ſaid the earl, when he heard you drink the health? they replied, at the door going out of the room. Tuſh, ſaid he, the drawer was miſtaken; you drank to the confuſion of the archbiſhop's foes, and he heard only the firſt part of the words. This hinted to the gentlemen a proper excuſe, which they did not think of before. Lord Dorſet, however, adviſed them to carry themſelves with all humility and reſpect, when they were called in before the king and council. They followed his advice, and by this means, and the favour of Lord Dorſet and others, received only a reproof, and ſo were diſmiſſed.

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1740. ſilent, gloomy ſubmiſſion to the arbitrary power of the court, which power few individuals could venture to withſtand.

Meeting of parliament.

The king, who had no better ſucceſs in his war againſt the Scotch, than he had in his foreign ones againſt France and Spain, finding it neceſſary to raiſe another army, being in the greateſt diſtreſs for money, and the revenue of the crown being anticipated, was obliged to call a new parliament; though "thoſe meetings," Lord Clarendon ſays, "had been of late attended with ſome diſorders, the effect "of mutinous * ſpirits." The parliament met, April 13, 1640, in a diſpoſition, and with a reſolution, to ſet forth and redreſs the many public grievances, both in church and ſtate. Petitions † were preſented from ſeveral counties by the knights of ſhires, complaining of ſhip money, projects, monopolies, the ſtar-chamber, high commiſſion courts, and other oppreſſions. Not one of the members offered to deny or juſtify theſe things. The ſenſe of the houſe concurred with the petitioners. The members ſeemed determined to make a thorough inquiry into the national evils, with regard to the liberty and property of the ſubject, the privileges of parliament, and innovations in matters of religion.

Pernicious doctrines of the clergy.

The ‖ biſhops, at the very beginning of this reign, denied that they held their juriſdiction from the king, declaring that they held it from God alone; whilſt, at the ſame time, the divine right of monarchy, the king's abſolute power,

* Theſe were Mr. Hollis, Sir John Elliot, Mr. Selden, Sir Edward Coke, and ſome of the moſt eminent lawyers of the kingdom, who had exerted themſelves in defence of the liberties of the ſubject.

† Arthur Capel, afterwards Lord Capel, was the firſt who preſented a petition, which was from the county of Hertford; and Mr. Grimſton opened the debates upon the petitions.

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‖ Mr. Locke.

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and independance of his parliament, were the avowed and favourite doctrines of many of the dignified clergy, not only at court, and in the country, but at the universities, where the venom was likely to be most fatal, by poisoning the minds of the youth committed to their care. Mr. Pym presented, at this time, to the house a paper containing many scandalous things delivered by Dr. Beale, master of St. John's in Cambridge, in his sermon preached at St. Mary's, March 27, 1635, viz. 1640.

1st. That the king might constitute laws, when, where, and against whom he pleased.

2dly. That parliaments serve kings as men do apes, a bit and a blow; give him a subsidy, and take away two or three of his prerogatives.

3dly. That ministers silenced for not reading the book of recreation, and the king's declaration, are advanced, and these calves are worshipped even from Dan to Beersheba.

4thly. That tonnage and poundage are the king's as absolutely as his crown, defend he the seas or not; so are, also, our goods, ourselves, our wives and children, and he may call for his own when he will.

5thly. That the king can of himself make laws to bind the conscience.

Doctrines like these had before been publickly avowed by Sibthorpe, Manwaring, and others. Manwaring, in particular, in a sermon preached before the king, and published soon after his coming to the crown, maintained, "That the king's royal will and pleasure in imposing "laws and taxes, without the consent of parliament, did

1640. "oblige the ſubjects conſcience upon pain of eternal damnation; and that the authority of parliament was not "neceſſary for raiſing aids and ſubſidies." Lord Clarendon mentions, in a very ſlight and curſory manner, theſe doctrines, and the clamours occaſioned by them. He ſays, "the indiſcretion and folly of one ſermon at Whitehall was "more bruited abroad, and commented upon, than the "wiſdom, ſobriety, and devotion of an hundred;" which he imputes, as he does all the diſtraction of thoſe times, to the perverſeneſs of the people, "who wanted a ſenſe, acknowledgment, and value of their own happineſs." The true reaſon, however, why theſe doctrines were ſo generally exclaimed againſt, was becauſe they were patronized by the court, which † puniſhed thoſe who oppoſed them, and rewarded ‖ ſuch as maintained them. Add to this, that they co-operated with the many courts of oppreſ-

† Archbiſhop Abbot refuſed to licence a ſermon of Dr. Sibthorpe's, intitled Apoſtolical Obedience, preached before the judges at Northampton; in which he had aſſerted the king's power of raiſing money by his own authority. The king preſſed the archbiſhop, by ſeveral meſſages, to licence the ſermon, and ſent him word, "that if he did "not diſpatch it, he would take another courſe with him." The archbiſhop perſiſting in his refuſal, was ſequeſtered from his office. A commiſſion was granted to Biſhop Laud, and four other biſhops, to execute the archiepiſcopal juriſdiction, and the archbiſhop died during the ſequeſtration.

‖ Dr. Manwaring, upon an accuſation ſent up by the houſe of commons to the houſe of lords, in the parliament of 1628, received judgment, That for his offence he ſhould be ſuſpended for the term of three years from the exerciſe of his function, and ſhould be diſabled from having thereafter any eccleſiaſtical dignity: and the lords reſolved to addreſs the king to call in the ſaid ſermon by proclamation. A proclamation was publiſhed, but the doctor immediately after received a pardon from the king, was made rector of Stamford Rivers in Eſſex, which he had a diſpenſation to hold with the rectory of St. Giles's in the Fields; and was ſoon after made biſhop of St. David's.

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sion in supporting an absolute power, confirmed the king in his arbitrary maxims, and probably had led him of into them. To these doctrines, therefore, and the authors them, if men will look back in the manner they ought to do into first causes, must the king's subsequent misfortunes be chiefly imputed. 1640.

Whilst the commons turned their eyes, and applied their thoughts, to the public, the king fixed his only upon his necessities; nor did there appear in him any sincere design of redressing the nation's grievances. At his desire, the lords came to a vote, "That his majesty's supply should "have precedency before any other matter in consideration "whatsoever;" and, therefore, desired a conference with the commons to let them know their reasons for the same. The commons immediately resented this, and resolved, that the lords proposing a supply, and a time for them to proceed upon it, was a breach of their privileges: and, at a conference which ensued upon this occasion, they insisted upon a reparation, and that the lords should not, for the future, take notice of any thing debated by them, till they should think proper to declare it to the lords. In the mean time, they proceeded with great spirit and application upon the state of the public. While they were taking into consideration a report concerning ship money, made by Mr. Maynard, the lords sent to desire another conference: the house was divided whether to yield to it or no; and, by a majority of above a hundred votes, the commons resolved not to postpone the consideration of the grand business of ship money for the conference. To induce the lords, however, to join with them in a representation of their grievances to the king, they came to several resolutions, which a committee was appointed to offer to the lords at a conference. The king, finding this disposition in the commons, sent a message to them by Sir Henry Vane, to quicken the supply; Proceedings of the parliament.

1640. which he repeated two days afterwards. May the 4th, he told them, " That upon their granting twelve ſubſidies, to " be preſently paſſed, and to be paid in three years, (with " a proviſo that it ſhould not determine the ſeſſions) his " majeſty would not only for the preſent forbear the levy- " ing any ſhip money, but would give way to the utter " aboliſhing of it, by any courſe which themſelves ſhould " like beſt; and for their grievances, he would give them " as much time as might be now, and the next Michael- " mas."

Though a proviſo was propoſed by the king to be added to the ſubſidy bill, that this ſhould not determine the ſeſſions; yet the aſking ſuch a ſupply for three years, before any grievances were redreſſed, was a ſufficient intimation that till the twelve ſubſidies were ſpent, and the three years were expired, they could not depend upon a long continuance of the preſent, or the meeting of a new parliament. The commons took the meſſage the ſame day into conſideration, but came to no reſolution; and deſired Sir Henry Vane to acquaint the king, that they intended the next day to proceed in the farther conſideration thereof. They met at the uſual hour, but the ſpeaker did not attend; for Secretary Windebank went early to his houſe, and, according to command, carried him to Whitehall; and about eleven o'clock that day (the 5th of May) the commons were ſent for to attend the king, and the parliament was diſſolved. The king affected, as uſual, to make a diſtinction between the houſes, for he addreſſed himſelf only to the lords with encomiums on their conduct, and with very reproachful language upon the commons.

Parliament diſſolved.

Lord Clarendon acknowledges, " that it could never be " hoped that more ſober and diſpaſſionate men would ever " meet together in that place, or fewer who brought ill " purpoſes

" purpoſes with them;" and no one could imagine what offence they had given, which put the king upon the reſolution of diſſolving them. The leaders of this parliament were, however, the leaders in the ſubſequent one; their conduct was the ſame, as were, likewiſe, their complaints *. 1640.

Arbitrary meaſures continued.

The king, though he found his neceſſities ſo great, and the nation in convulſions, did not recede from any part of his former conduct; but, as if he placed his honour in not giving way to the deſires of the public, he, by a ſtrange fatality, ran into all the meaſures againſt which the commons had declared themſelves: for they had come into ſeveral reſolutions which they had offered to the lords at a conference, April the 29th.

The commons reſolved, " That one head of the con-
" ference ſhould be the complaints that had been made con-
" cerning the puniſhing of men out of parliament, for
" things done in parliament, in breach of their privileges."
The very next day after the diſſolution, Lord Brooke's ſtudy, cabinet, and pockets were ſearched for papers: Mr. Bellaſis, knight of the ſhire for Yorkſhire, and Sir John Hotham, were ſummoned before the council, the king being preſent; and, having been examined concerning ſome tranſactions in parliament, they were committed to the Fleet. Mr. Crew (afterwards Lord Crew) was required ſeveral times by the king, to deliver up all petitions, papers,

* Among the members of the parliament in November 1640, there were no eminent ones who were not in that of April, except Sir John Clotworthy, Meſſ. Jeoffry Palmer, Selden, Ludlow, and Whitlocke: of theſe, Selden had been in ſeveral of the former parliaments, had exerted himſelf ſtrenuouſly for the ſubjects liberties, and had been impriſoned on that account.

and

1640. and complaints which he had received whilſt he was chairman in the committee for religion. Mr. Crew, being unwilling to diſcover the names of ſubſcribers to petitions, complaining of innovations, refuſed to deliver them; and was, therefore, committed cloſe priſoner to the Tower, where he continued till near the meeting of the parliament in November following.

The commons had, likewiſe, reſolved, "That in the "conference with the lords, there ſhould be a proteſtation "and ſaving made to preſerve and keep entire the rights of "the commons, not to be bound by any canons, that were "or ſhould be made upon any commiſſion granted to the "convocation, without their conſent in parliament." The convocation, however, which uſed to end with the parliament, was, by a new writ, continued under the name of a ſynod; and ſat till the 29th of May. Seventeen new canons were made by them; the firſt of which ſupported the doctrines of implicit and paſſive obedience, and declared monarchy to be of divine right. Another of the canons enjoined an * oath to be taken, which was chiefly intended for

* Lord Clarendon ſays, "this ſynod gave ſubſidies out of par-"liament, and enjoined oaths, which certainly it might not do."

Lord Digby, ſpeaking of the convocation, in his ſpeech in the following parliament, ſays, "What good Chriſtian can think with pa-"tience on ſuch an inſnaring oath, as that which is by the new "canons enjoined to be taken by all miniſters, lawyers, phyſicians, "and graduates in the univerſities; where, beſides ſwearing ſuch an "impertinence, as that things neceſſary to ſalvation are contained in "diſcipline; beſides ſwearing thoſe to be of divine right, which "amongſt the learned were never pretended to, as the arch things "in our hierarchy; beſides the ſwearing not to conſent to the change "of that, which the ſtate may in great reaſon think fit to alter; be-"ſides the bottomleſs perjury of an etcætera; all this, men muſt ſwear "that they ſwear freely and voluntarily, what they are compelled "unto;

for the eſtabliſhment of the hierarchy. Theſe canons were confirmed by the king under the great ſeal. The ſynod, likewiſe, granted ſix ſubſidies, to be paid by the clergy in ſix years, with a penalty to be impoſed upon the refuſers, viz. that theſe ſhould be deprived of their functions, and ſhould be excommunicated. 1640.

The commons had reſolved, "That the complaints which "had been made by petitions from the ſeveral counties "concerning military charges, viz. coat and conduct mo- "ney, wages and arms taken from the owners, forcing "the country to buy and provide, at their charges, horſes "and carts by way of tax, ſhould be made a branch of "the conference." Two days after the parliament was diſſolved, letters were ſent from the privy council to the lords lieutenants of counties, to return the names of the principal men of the ſeveral counties, who refuſed to pay coat and conduct money, for the men to be levied there; and to commit to priſon thoſe who ſhould refuſe to receive preſt money. A letter was, likewiſe, ſent to the lord mayor of London, for levying four thouſand foot, for the expedition againſt the Scotch, and for providing coat and conduct money for them.

The commons had, alſo, reſolved, "That the complaints "which had been made by ſeveral petitions from the coun- "ties, relating to ſhip money, ſhould be a ſubject of the "conference." Two days after the diſſolution, an order

"unto; and laſtly, that they take that oath in the literal ſenſe, "whereof no two of the makers themſelves, that I have heard of, "could ever agree in the underſtanding."

Dr. Goodman, Biſhop of Glouceſter, refuſing to ſubſcribe this oath, was ſuſpended till he ſubmitted.

was

1640. was made by the king and council, that a round courſe ſhould be taken with the high ſheriffs of counties, who had been negligent in the execution of the writs for ſhip money; and the attorney general was ordered to proceed in the ſtar-chamber againſt the lord mayor, and ſheriffs of London and Middleſex, for not diſtraining againſt perſons according to the ſaid writs; as, likewiſe, againſt the high ſheriffs of York, Berks, Surrey, Leiceſter, Eſſex, Northampton, and Suffolk. And letters were ſent to the ſheriffs of all the other counties, requiring them to pay in at leaſt one half of the money, payable by their ſeveral counties, by the laſt day of that month, and the other half by the 24th of June following; or they muſt expect to feel the ſmart and puniſhment due to their remiſſneſs.

General diſguſt of the people.

The diſſolution of the parliament, when nothing had been done to ſatisfy the people, when nothing had been done to irritate the king, when the parliament had ſat ſo ſhort a time after ſo long an intermiſſion, occaſioned an univerſal concern and aſtoniſhment; an aſtoniſhment which was immediately converted into anger, when the public ſaw the king perſiſt in his former meaſures; and this anger ſoon broke out in complaints and murmurs againſt his miniſters. Lord Clarendon, however, obſerves, "that in leſs than "three weeks after the diſſolution, by the voluntary loan "of the particular lords of the council, and of other pri-"vate gentlemen about the city, ſome relating to the court, "and others ſtrangers to it, there was no leſs than three "hundred thouſand pounds paid into the exchequer, to "be iſſued out as his majeſty ſhould direct, which was an "unanſwerable evidence, that the hearts of his ſubjects "were not then alienated from their duty to the king, or a "juſt jealouſy for his honour." This loan was ſo far from being a voluntary one, that there was an order for the lord mayor and all the aldermen of the city of London to meet, and

and ſet down in writing, the names of all ſuch perſons, inhabitants within their reſpective wards, as they conceived were able to lend the king upon ſecurity, the ſum of two hundred thouſand pounds, and to ſet down how much, in their opinion, every perſon was able to lend towards the ſaid ſum; and four of the aldermen, who refuſed to ſet down the names of perſons as ordered, were by warrants, dated May the 10th, committed to different priſons, viz. Alderman Soanes to the Fleet, Alderman Atkyns to the King's Bench, Sir Nicholas Rainten to the Marſhalſea, and Alderman Geere to the Gatehouſe; and the attorney general was ordered to proceed againſt them in the ſtar-chamber. 1640.

Violent methods of raiſing money.

The king, to ſupply his neceſſities, choſe to have recourſe to any violent methods for ſatisfying them, rather than to raiſe money by granting any indulgence to his people. He ſeized the bullion in the mint, which was brought from abroad to be coined there. This gave a great alarm to the Spaniſh merchants and others, who alleged that it would for ever after prevent the bringing of bullion into the Tower; and would prove of great prejudice to the king's reputation and to the public, by the loſs of the coinage. To gain a little ready money, he bought all the pepper lying under the Old Exchange upon truſt, and ſold it out at a much leſs value. It was propoſed in council to debaſe the coin by mixing copper with the ſilver, and to coin three hundred thouſand pounds, of which the fourth part only ſhould be ſilver, and the other ſhould be copper; and that this ſhould be current money to pay the army, which was marching to Newcaſtle againſt the Scotch.

The Scotch army, at the latter end of Auguſt, entered into England, upon a certain knowledge of the general diſcontent of the people, and upon a ſuppoſed invitation from ſeveral of the Engliſh nobility. Lord Savile, afterwards

1640. Earl of Suſſex, had written a † letter, which he had ſubſcribed himſelf, and to which, at the ſame time, he had added the forged names of twelve or fourteen of the moſt eminent among the Engliſh nobility, to invite and encourage that army to enter into England. This letter was ſent into Scotland by Mr. Henry Darley ‖, who remained there as agent from the ſaid Engliſh lords, until he had gained his point. When the Engliſh and Scotch lords met together, the letter cauſed great diſputes among them; and at laſt, Lord Savile, being reconciled to the court, confeſſed to the king the whole affair.

Temper of the Engliſh army.

The Engliſh army, which was ſo expenſive to the king, and ſo § burthenſome to the ſubject, proved of no ſervice. They were routed by the Scotch at Newborne upon Tyne, in a diſhonourable manner; which they themſelves imputed to a diſſatisfaction with the cauſe for which they fought. Divers of the officers, and private ſoldiers, in their march to the rendezvous, ſpared not to declare their judgments againſt the war; and that they would not fight to maintain the pride and power of the biſhops; which reſolution, if we may judge from the ill ſucceſs which afterwards happened, ſeems to have been really formed.

† Lord Shafteſbury's manuſcript.

‖ He was afterwards committed cloſe priſoner to the caſtle at York. RUSHWORTH.

§ A petition, ſigned by a great number of the principal gentlemen of Yorkſhire, aſſembled at the aſſizes at York, July 28, 1640, was preſented to the king, ſetting forth, that, to their great impoveriſhment, they had expended the year before, a hundred thouſand pounds in the execution of the king's commands about his military affairs; and complaining of the oppreſſions of billeting of ſoldiers upon them. When this petition was taken into conſideration by the council, Lord Strafford ſaid it ſeemed to be a mutinous petition.

This

This diſſatisfaction did not appear only in the army. A petition *, ſubſcribed by the Earls of Bedford, Eſſex, Hertford, Warwick, Briſtol, and Mulgrave, by Lord Say and Seal, Lord Edward Howard, Lord Bolingbroke, Lord Mandeville, Lord Brooke, and Lord Paget, was ſent to the king. The petition † conſiſted of ſeven articles. 1640. Petition of ſeveral lords.

1ſt. The war with Scotland, whereby the king's revenue was much waſted, his ſubjects burthened with coat and conduct money, billeting of ſoldiers, and other military charges; and divers rapines and diſorders committed by the ſoldiers, and the whole kingdom become full of fear and diſcontent.

2dly. The ſundry innovations in matters of religion; the oath and canons lately impoſed upon the clergy, and others his majeſty's ſubjects.

3dly. The great increaſe of popery, and employing of popiſh recuſants, and others ill affected to the religion by law eſtabliſhed, in places of power and truſt, and eſpecially in the commanding of men and arms, both in the field and divers counties in the realm.

4thly. The great miſchief which might fall upon this kingdom, if the intentions, which had been credibly reported, of bringing in of Iriſh forces ſhould take effect.

* The thanks of the houſe of commons, and, likewiſe, of the houſe of lords, were ordered in the ſubſequent parliament, to be given to theſe peers for this petition; and the lords in parliament reſolved, that for the honour of the petitioners, their petition ſhould be recorded in their journals, and ſhould be eſteemed as the act of that houſe.

† Whitlocke, p. 34. Parliam. Hiſt. v. viii. p. 491.

1640. 5thly. The urging of ſhip money, and proſecution of ſome ſheriffs in the ſtar-chamber for not levying of it.

6thly. The heavy charges of merchandize, to the diſcouragement of trade; the multitude of monopolies, and other patents, whereby the commodities and manufactures of the kingdom are much burthened, to the great and univerſal grievance of the people.

7thly. The great grief of the ſubjects, by the intermiſſion of parliaments; in the late and former diſſolving of ſuch as had been called; with the hopeful effects which, otherwiſe, they might have procured.

For a remedy of which grievances, they beſought the king to ſummon a parliament within ſome ſhort and convenient time; whereby the cauſe of theſe and other great grievances might be taken away; the authors and counſellers of them be brought to ſuch legal trial, and condign puniſhment, as the nature of the offence required; and the war be compoſed without bloodſhed, in ſuch a manner as might conduce to the honour and ſafety of his majeſty's perſon, the content of his people, and the continuance of both his kingdoms againſt the common enemy of the reformed religion.

This petition was dated Auguſt the 28th, 1640, and was preſented to the king at York, by Lord ‡ Mandeville and Lord Edward Howard. The king immediately called a cabinet council, wherein the petition was declared to be mutinous, and it was reſolved, to proceed againſt thoſe two lords for mutiny. When the council was up, and the king gone, Duke Hamilton, remaining behind with the Earl of

‡ Lord Shafteſbury's manuſcript.

Strafford,

Strafford, aſked him, " whether he was ſure the army " would ſtand by them." Lord Strafford, in a ſurprize, anſwered, " he was afraid not, and proteſted he did not " think of that before." The duke replied, " if we are " not ſure of the army, our heads may be in danger in- " ſtead of theirs;" whereupon they both agreed to go to the king, and the reſolution was laid aſide. 1640.

City of London ſends a petition to the ſame purpoſe.

The city of London, likewiſe, reſolved to preſent a petition to the ſame purpoſe, which the privy council being informed of, wrote a letter, dated September the 11th, to the lord mayor and aldermen to prevent it; but notwithſtanding this, the city perſiſted, and ſent ſome of the aldermen and common council to the king at York, to preſent their petition. The wiſhes of the nation were as fervent as they were general for a new parliament, and for putting an end to the war with the Scotch. When the king called the Yorkſhire gentry together, September the 10th, and propoſed to them that they ſhould pay the train-bands for two months, they took the propoſition into immediate conſideration; and the next day delivered an anſwer, That they had agreed to the payment; but, at the ſame time, they beſeeched the king to conſider how to compoſe the difference with the Scotch, that the country might enjoy peace, and not run more and more into danger; and they deſired him to think of ſummoning a parliament, the only way to confirm a peace betwixt both kingdoms. They propoſed to the Earl of Strafford to preſent their anſwer to the king, but he deſiring them to leave out their advice about calling a parliament, they refuſed to do this; and, therefore, delivered their anſwer themſelves.

Similar requeſt of the Yorkſhire gentry.

SECTION

SECTION IV.

Summary view of Charles the Firſt's reign continued, till the time when Sir Anthony Aſhley Cooper began to diſtinguiſh himſelf in the management of public affairs.

1640. Meeting of the long parliament.

THE king now laboured under the greateſt difficulties. He could no longer ſtruggle with, or ſupply, his wants: his own army was diſcontented, and the Scotch army ſucceſsful; while both of them were very burthenſome to the public. He was, therefore, obliged to give way to the univerſal call of the nation, and to ſummon a parliament, which met on the 3d of November 1640. Petitions relating to grievances were immediately preſented to the commons, from every part of the country; and theſe petitions were ſo numerous, that the whole houſe was divided and ſubdivided into above forty committees, to hear and examine them. The canons and conſtitutions made by the convocation, were condemned, by the unanimous voice of the houſe, as containing in them matters repugnant to the king's prerogative, to the fundamental laws and ſtatutes of the realm, to the rights of parliament, to the property and liberty of the ſubjects, and tending to ſedition.

Spirited proceedings of the parliament.

The writs for ſhip money, and the extra-judicial opinions of the judges concerning it, were, alſo, unanimouſly condemned; as being contrary to the laws of the realm, the right of property, the liberty of the ſubject, to former reſolutions in parliament, and the petition of rights.

No

No one was more forward, or vehement, in repreſenting the public grievances, than Mr. Hyde, who was afterwards Earl of Clarendon. In his impeachment of three of the * judges, he ſaid, " the great reſolution in ſhip money " was a crime of a prodigious nature;" and he ſet forth the ſtate of the public in a different light from what it appears in his hiſtory. Inſtead of that " plenty and felicity" which he there deſcribes, he ſaid to the lords, that " the " peace of this iſland had been ſhaken and frightened into " tumults and commotions, into the poverty, though not 1640. Zeal of Mr. Hyde.

* Though the judges had been highly criminal in ſupporting the arbitrary conduct of the court, thoſe were much more ſo who had obliged them to it by threats or ſolicitations. Mr. Hyde was one of a committee who were appointed, December the 7th, to go forthwith to the judges, to know how they were threatened or ſolicited, and in what manner, and by whom, to give any opinion or judgment concerning ſhip money.

It is apparent, likewiſe, that the judges had not gone ſuch lengths in ſacrificing the laws as had been expected and inſiſted on. For when Felton, who had ſtabbed the Duke of Buckingham in 1628, was brought before the council, and preſſed to acknowledge who adviſed him to commit ſuch a bloody fact, and if the puritans had no hand therein; he denied (as he did to the laſt) that they had, or that any perſon knew of his intentions. Laud (then Biſhop of London) told him, " if he would not confeſs, he muſt go to the rack:" Felton replied, " If it muſt be ſo, he could not tell whom he might name in " the extremity of torture; and if what he ſhould ſay then, muſt go " for truth, he could not tell whether he might not name his lordſhip, " or any others of the council; for torture might draw unexpected " things from him." The king, upon this, ordered the opinion of the judges to be taken, whether Felton might be racked; and, on November 14, 1628, being aſſembled together in Serjeant's Inn, they agreed that no ſuch puniſhment was known or allowed by the law. When Felton was ſentenced to death, he offered his hand that did the fact to be cut off; but the court ſaid, they could not inflict that puniſhment. The king, however, ſent to the judges to deſire that his hand might be cut off before execution; but the court anſwered, that it could not be.

" into

1640. " into the rage, of war; as a people prepared for deſtruc-
" tion and deſolation:" and, " it is no marvel that an ir-
" regular, extravagant, arbitrary power, like a torrent,
" hath broke in upon us, when our banks and our bul-
" warks, the laws, were in the cuſtody of ſuch per-
" ſons."

The king's miniſters proſecuted.

The commons, upon the grounds of the petitions preſented to them, proceeded with vigour in an enquiry into the conduct of the miniſters. Lord Keeper Finch, and Sir Francis Windebank, Secretary of State, a noted papiſt, fled into foreign parts; but the Earl of Strafford, who truſted, though unwillingly, to the king's power for protecting him, was ſoon brought to the ſcaffold. He had been as loud in complaints, and as zealous for rectifying the diſorders of the nation, as any man; and afterwards became as forward a ſupporter of the arbitrary proceedings of the crown. Though he was proſecuted by the commons, and fell under an act of attainder, he more properly fell a victim to his † enemies at court; for he might have been preſerved, if

Earl of Strafford beheaded.

† Though the Earl of Strafford was the only one that, for ſome years, ſuffered death under the proſecution of the commons, (for Archbiſhop Laud was not beheaded till 1644) Lord Clarendon charges them, at the beginning of this parliament, with having an appetite for blood. At the ſame time, he intimates that Secretary Windebank ought to have ſuffered death likewiſe; though it is evident that the ſecretary was but an under inſtrument; and he declared afterwards, in a letter from France, that, in his protection of popiſh prieſts, he had acted by orders. It is remarkable, alſo, that Mr. Hyde (Lord Clarendon) carried up a meſſage to the lords after the trial, that Lord Strafford intended to eſcape from the Tower, and deſired his guard might be ſtrengthened, and that he might be kept in cloſe confinement.

RUSHWORTH.

the

the king had not been over-ruled by theſe, and if he had ſtrictly adhered to the advice of Mr. Holles ‖. 1640.

Remarks on the King's conduct.

It is an obſervation frequently made, that King Charles loſt his power, by giving up Lord Strafford to the parliament; an obſervation which appears to be calculated for enſuring the ſafety of ſucceeding miniſters, by encouraging their maſters to ſupport them at any rate. But the truth of the caſe is, that the King had it not in his power openly to protect the Earl of Strafford, without a breach with his parliament, which, conſidering his neceſſities, would have been too hazardous an attempt. It is evident, that the loſs of his power, ſhould be really dated from the period in which he loſt the confidence of the public. It was not owing to his making conceſſions, but to his not making them in proper time; when they might ſeem to be the effect of his love for his people, and not have the appearance of being extorted from him.

The jealouſy and diſtruſt which the people had of the King, and which his principles and conduct had too deeply implanted in their minds, were the real foundation of his misfortunes: they rendered all his endeavours to ſatisfy the nation ineffectual, and they deprived even his virtues of their efficacy. That adherence to his principles, which, in a juſt cauſe, would have appeared firmneſs of mind, did, in an unjuſt one, deſerve no other name than that of obſtinacy. The King believed that he held his crown by a divine right, and that the people owed him a paſſive obedience. He muſt, therefore, think that they could not limit

‖ Biſhop Burnet has given a relation of this from Lord Holles. Mr. Stringer (who died in 1702, many years before the Biſhop's hiſtory appeared) has related the ſame with no material alterations, and ſays, he had often heard it from Lord Holles.

1640. his power; that he was ſuperior to the laws; and that he might diſpenſe with theſe, as he ſhould ſee proper. This the clergy taught, and what they maintained he had a right to do, the King unfortunately ſhewed he was reſolved to do. The parliament, beſides the acts for the attainder of the Earl of Strafford, prepared ſeveral laws for redreſſing the public grievances: to theſe the King readily gave his aſſent, and, among others, to an act for triennial parliaments, an act for granting the King a ſubſidy of tonnage and poundage, and an act for declaring void the late proceedings touching * ſhip money. Theſe acts had an immediate and univerſal influence in compoſing the troubles, and reſtoring the quiet of the nation.

If the King had properly conſidered his own intereſt, as connected with that of the public; if he had not thought himſelf intitled to an unlimitted authority; here was a happy opportunity for him to have cloſed with his parliament: for excepting the act for Lord Strafford's attainder, (which was owing to a reſentment for his having ſo ſhamefully abandoned the cauſe of liberty, for which he had originally been an advocate and ſufferer) and excepting the bill for continuing the parliament, (for which the frequent and abrupt diſſolutions had furniſhed a plea) not one of the laws now paſſed had the leaſt appearance of violence, or has been ſince complained of. They were all juſt, ſalutary, and conſtitutional. Though they preſerved the rights of the people, they did not interfere with the intereſt of the crown.

* Lord Clarendon ſays, "The King's giving his aſſent to this bill, "was a frank departure from a right vindicated by a judgment in the "exchequer chamber:" yet he himſelf impeached, at the bar of the houſe of lords, three of the judges, for giving the ſaid judgment; which, with great acrimony, he called a crime of a prodigious nature, and, in particular, he ſaid, "the demanding of ſhip money was "againſt Magna Charta."

The

The parliament had hitherto proceeded with zeal for the conſtitution, without derogating from the honour of the King, or offering him any perſonal indignity. 1641.

That marvellous calm, which, Lord Clarendon ſays, enſued, both within doors and without, after paſſing theſe laws, might have been perpetual, and would, in all probability, have continued, if the King's ſubſequent conduct had not again raiſed up the ſtorm. He had declared to his parliament, that he would take a journey into Scotland. The neceſſity of this did not appear; and any ſtep ſo extraordinary, which was not neceſſary, at ſo critical a time, muſt conſequently breed ſuſpicions. The parliament could not be free from theſe: and accordingly, in an addreſs, they deſired him to lay aſide his deſign of going, but without effect. They, therefore, ſent a committee of both houſes, Lord Howard for the lords, Mr. Hampden and Sir Philip Stapleton for the commons, to attend him in his journey. Whilſt he was in Scotland, he made it his ſtudy to gain over thoſe who had been moſt active againſt him; and particularly Leſley, general of the Scotch army, whom he at that time made an earl. He was ſo liberal of his favours, that, as Lord Clarendon ſays, "he ſeemed to have made his progreſs into Scotland, only that he might make a perfect "deed of gift of that kingdom." The way to obtain any favours from him was open: for the ſame author ſays, "that many of that nation were whiſpering in his ear, and "aſſuring him, that as ſoon as the troubles of the late ſtorm "could be perfectly calmed, they would reverſe and repeal "whatſoever was now unreaſonably extorted from him." Of theſe inſinuations the committee could not be ignorant: the King's receiving and encouraging ſuch inſinuations, and making them the ſteps to his favour, afforded an indirect declaration of his intentions. The parliament, knowing this, muſt know that they could not be ſecure without proceeding

The King's journey into Scotland.

1641. ceeding farther; and that the people could not depend on the enjoyment of thoſe laws they had obtained, without depriving the King of the power to break them again. They ſaw that the King's aſſent to them was but a temporary compliance, which, indeed, was conſonant to the whole tenor of his former conduct.

The King, before his journey into Scotland, had * countenanced a deſign of ſome officers to inflame the Engliſh army againſt the parliament; which had revived the diſtruſt the public had of his ſincerity. This unneceſſary journey into Scotland, and extraordinary liberality to the Scotch general and others, increaſed this diſtruſt; and what unhappily confirmed it, was, the Iriſh rebellion, which broke out during his ſtay in Scotland. Above one hundred and fifty thouſand proteſtants, according to the general accounts, were maſſacred by the Iriſh papiſts, with all the circumſtances of cruelty which a ſuperſtitious rage could inſpire. The leaders among the Iriſh publiſhed, in a circular letter, that the Engliſh proteſtants, eſpecially the parliament, had been guilty of divers great and heinous affronts to the King's perſon and prerogative; and that, therefore, the King had granted them a ‖ commiſſion to poſſeſs themſelves of all places of ſtrength in the kingdom of Ireland. Whether it was true or falſe, that the King granted ſuch a commiſſion, it had a fatal influence upon the minds of the people of England; and, as the Iriſh, in their declaration, made the Engliſh parliament the great object of their reſentment, it naturally turned the eyes of the public upon the

Iriſh maſſacre.

* Rapin.

‖ It cannot be thought that the King was privy to the maſſacre; but it is apparent, that, in the war which afterwards enſued between him and the parliament, he intended to make uſe of thoſe Iriſh who had been actors in the deſtruction of the proteſtants.

parliament,

parliament, as their principal bulwark againſt the fury of the papiſts. 1641.

Affairs were in this fatal ſituation, and the people in this unhappy diſpoſition, at the King's return from Scotland. If the parliament, from the private views or reſentment of any particular members, had been ever ſo ill diſpoſed towards the King, nothing could have enabled them to purſue the meaſures which they took, but the aſſiſtance and affections of the public; and nothing but the King's want of ſincerity, of which he had given the * ſtrongeſt proofs, could have ſo cloſely united the public with the parliament.

As

* The following inſtances, among others, of the King's violating his promiſe were remarkable.

March 24, 1641-2, he repealed his grant for paſſing the bill of tonnage and poundage.

WHITLOCKE, p. 55.

March the 4th, 1642-3, Commiſſioners for a treaty of peace, the Earl of Northumberland, Mr. Pierpoint, Sir William Armyn, Sir John Holland, and Bulſtrode Whitlocke were ſent to Oxford. Whitlocke, in p. 65, ſays, upon one of the moſt material points they preſſed his majeſty with their reaſons, and beſt arguments they could uſe, to grant what they deſired. The King ſaid, "he was fully ſatisfied; and promiſed to give them his anſwer in writing according to their deſire; but becauſe it was then paſt midnight, and too late to put into writing, he would have it drawn up the next morning, and then he would give them his anſwer in writing, as it was now agreed upon." They waited upon him the next morning at the hour appointed, but, inſtead of that anſwer which they expected, and were promiſed, the King gave them a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. They did humbly expoſtulate this with his majeſty, and preſſed him "upon his royal word," and the ill conſequences which they feared would follow upon this his new paper; but the King told them "he had altered his mind," and that the paper which he now gave them was his anſwer, which he was now reſolved to make upon their laſt debate; and they could obtain no other from him; which occaſioned

1641. As the parliament ſeemed more and more determined to ſecure the conſtitution againſt any future incroachments; ſo the King, after his return, became more violent in his proceedings. His removing the governor of the Tower, and putting in another, who was univerſally obnoxious, and this in the midſt of the people's jealouſy and apprehen-

occaſioned much ſadneſs and trouble to them. Some of his own friends informed them, that after they were gone from the King, and his council were alſo gone away, ſome of his bed-chamber (and they went higher) being for the continuance of the war, never left preſſing and perſuading the King, till they prevailed with him to change his former reſolutions, and to give order for his anſwer to be drawn as it was now delivered.

WHITLOCKE, p. 65.

Many endeavours were uſed, from time to time, to bring matters to an accommodation by way of treaty; but ſome one unlucky accident or other rendered them abortive. At the treaty of Uxbridge, though the Parliament's demands were high, and the King ſhewed a more than ordinary averſion to comply with them; yet the ill poſture of his affairs at that time, and the fatal conſequences they feared would follow upon breaking off the treaty, obliged a great many of the King's friends, and more particularly that noble perſon, the Earl of Southampton, who had gone poſt from Uxbridge to Oxford for that purpoſe, to preſs the King again and again upon their knees, to yield to the neceſſity of the times, and, by giving his aſſent to ſome of the moſt material propoſitions that were ſent him, to ſettle a laſting peace with his people. The King was, at laſt, prevailed with to follow their counſel; and the next morning was appointed for ſigning a warrant to his Commiſſioners to that effect: and ſo ſure were they of a happy end of all differences, that the King at ſupper complaining his wine was not good, one told him merrily, he hoped his Majeſty would drink better with the Lord Mayor at Guildhall before the week was over. But ſo it was, that when they came early the next morning to wait on him, with the warrant that had been agreed on over night, they found his Majeſty had changed his reſolution, and was become inflexible in theſe points. What occaſioned this alteration in the King's mind, was a letter he had juſt received from the Marquis of Montroſe out of Scotland, acquainting him with ſome unexpected ſucceſs; and, therefore, deſiring him not to treat with the Parliament.

WELLWOOD'S MEMOIRS, p.

ſions;

ſions; his ſeizing the papers of particular members of parliament, and going to the houſe, in a hoſtile manner, to demand their perſons; at a time, too, when the Parliament's credit and authority were ſo great; were actions as weak as they were violent. 1641.

The point upon which the King ought, in policy, to have made his ſtand againſt the Parliament, was the act, that they ſhould not be diſſolved without their own conſent: for this was, in a manner, a change of the conſtitution, and a ceſſion of his juſt prerogative. The public would, perhaps, have entered into the force of his reaſons againſt the act; and, upon ſeeing the King urged to a compliance with a thing unjuſt in its own nature, they might have loſt ſight of the neceſſity, which they thought there was for ſuch an act; and have been more ſlow in juſtifying or ſupporting the Parliament in their other proceedings. But, on the contrary, the King, through a miſtaken pride, was obſtinate for his prerogative in points where it was needleſs to ſhew it, and this made the Commons the more reſolute in their meaſures. Thus affairs were carried on till each ſide was too much inflamed. The King was full of anger at the proceedings of the Parliament; and his anger was ſtimulated by the courtiers about him. The Parliament were fully determined to ſupport their conduct, and purſue the reformation they had begun. All England was divided into parties for the King or the Parliament. Every man was engaged, either in inclination or action, for one or the other. 1642.

SECTION

SECTION V.

Account of the life of Sir Anthony Aſhley Cooper, and of the concern he had in public affairs, from the year 1643, to the death of Oliver Cromwell.

1643. IT was not till the year 1643, that Sir Anthony began to diſtinguiſh himſelf in the conduct of public affairs; nor, conſidering his youth, could he poſſibly do it ſooner, however great his abilities might be, or however active his diſpoſition. During the years 1641 and 1642, he ſhifted about, with his lady and family, to different parts of the kingdom, as the circumſtances of the times rendered it neceſſary. The counties he chiefly reſided in were thoſe of Norfolk, Nottingham, York, and Durham. He was at Nottingham and Derby when the King was at thoſe places, but he only appeared there as a ſpectator. In 1643, he returned into Dorſetſhire, to his houſe at St. Giles's Winborne; and then it was that his ſuperior talents ſoon became conſpicuous. He was often meditating on the immediate miſchiefs, and the future evil conſequences, of the civil war; and he juſtly apprehended that the longer it ſhould continue, the more fatal it would prove. He was ſenſible that which ever ſide ſhould conquer, the other would be much depreſſed; and that the conteſt, if perſiſted in, muſt end either in an unlimited Monarchy, if the King prevailed, or an indigeſted Commonwealth, if the Parliament ſucceeded. To avoid both theſe evils, he formed a ſcheme which, though not calculated to make his court either to the King or the Parliament, was intended to reſtore and eſtabliſh the nation's peace

Sir Anthony engages in public affairs.

Scheme formed by him.

peace upon a ſolid and happy foundation. When Sir Anthony had prepared his plan, he went to Oxford, where he was recommended to the King, by his relation, the Marquis of Hertford, and introduced by Lord Falkland. At his audience, he informed the King, "That he had a propoſal "to make, which he hoped might put an end to the war, "and terminate the differences between him and the Par-"liament." The King, looking earneſtly at him, ſaid, "You are a young man, and talk great things. What "way will you take to compaſs ſuch an undertaking?" Sir Anthony replied, "That he was perſuaded the men of "eſtates, in almoſt every part of England, were tired of "the war; eſpecially, as they had no fairer proſpect of its "concluſion than they had at firſt; that he knew this was "the opinion of thoſe who reſided in his country, and "where he had any concerns. He, therefore, deſired the "King would authorize him to treat with the principal "garriſons of the Parliament; and get theſe delivered into "the hands of ſuch perſons as were men of character, and "would act impartially between him and the Parliament: "That theſe ſhould declare for calling a new and a free "parliament, who, perhaps, might be better diſpoſed to "accommodate the differences, than thoſe whoſe minds "might have been ſharpened by ſome former proceed-"ings." He made his propoſal appear ſo practicable, and ſo much to the King's ſatisfaction, that he was preſently commiſſioned to put it in execution.

1643.

Lays it before the King.

Commiſſioned to carry it into execution.

He returned to Dorſetſhire, and met with ſuch ſucceſs in his treaty with the garriſons of Weymouth, Poole, Dorcheſter, and other places, that the garriſon of Weymouth actually admitted the perſons recommended by him, and the reſt engaged to follow his example. But Prince Maurice, who commanded ſome of the King's forces in thoſe parts, entered the town and pillaged it, after it was agreed

Scheme defeated by Prince Maurice.

1643. to be ſurrendered; which made the troops of the garriſon think themſelves to be betrayed. Sir Anthony not only expreſſed his reſentment to Prince Maurice, but ſent notice to Poole and the other garriſons, to be upon their guard, as he could not ſecure his articles to them. He went immediately afterwards to Oxford, and gave the King an account of what progreſs he had made, and the interruption he had met with in his undertaking; at which the King ſhook his head with ſome concern, but ſaid little.

Another ſcheme formed by Sir Anthony.

This ſcheme being thus defeated, Sir Anthony formed another, which was carried farther than the former: for, by his intereſt, and indefatigable application, he engaged in it a great part of the independent gentlemen in England. He propoſed to raiſe the Poſſe Comitatus, under the command of the ſeveral high ſheriffs. Theſe, upon a treaty's being ſet on foot between the King and the Parliament, were to declare and join againſt that ſide which ſhould appear immoderate, or averſe to a fair and juſt accommodation. By the aſſiſtance of Sir Walter Earle, Serjeant Fountain, and others, he purſued his deſign with ſuch ſucceſs, in Dorſetſhire and the adjacent counties, that a conſiderable body of men was ſoon raiſed. Theſe, who were afterwards called the club-men, alarmed the armies both of the King and Parliament; and if ſome, who had undertaken to riſe, had not failed in their engagement, they might have carried their point, and forced both parties into a peace. This conduct, however, was miſrepreſented to the King; and thoſe courtiers who were for prolonging the war, found means to irritate him againſt Sir Anthony, that they might ſuppreſs his active genius, and prevent his farther ſchemes. Accordingly, they counſelled the King to invite him to Oxford, and then to proceed againſt, or, at leaſt, to confine him. Charles, who was always too much under the influence

ence of thoſe about him *, wrote Sir Anthony a very obliging letter, deſiring his attendance and advice: but the letter being ſhewn to the Marquis of Hertford, he, out of regard to Sir Anthony, and reſentment that his friend and relation, and one who had been recommended by him, ſhould be ill-treated for his loyal endeavours for the King's and the nation's welfare, immediately ſent him notice of the letter, and the court's intentions. Soon after the receipt of Lord Hertford's letter, Sir Anthony received the King's; but being forewarned, and expecting no ſafety near the royal forces, he went ſuddenly and privately to London, where the Parliament appointed a committee to receive and examine him: but he abſolutely refuſed to make any diſcovery, either of perſons, or the management of affairs, whilſt he was at Oxford. In every part of his life, he governed himſelf by this rule, "That there is a "general and tacit truſt in converſation, whereby a man "is obliged not to report any thing to the ſpeaker's preju- "dice, though no intimation may be given of a deſire not "to have it ſpoken of again."

1643.

Quits the King's party.

His generous conduct with regard to Mr. Holles.

He gave, in 1645, a remarkable inſtance of his adherence to this juſt and generous ſentiment, with regard to Mr. Holles. There had been, for ſome time, a family ‖ quarrel between them; which Mr. Holles had carried ſo far, that when Sir Anthony was choſen for Downton in Wilts, but not returned, Mr. Holles, by his intereſt, obſtructed the hearing of his petition. In 1644, Mr. Holles had been joined with Mr. Pierpont, Lord Wenman, and Mr. Whitlocke, as a committee from the houſe of commons, along

* Stringer.

‖ Mr. Holles married the daughter of Sir Francis Aſhley, who had endeavoured to ruin Sir Anthony in the Court of Wards.

1643. with the Earl of Denbigh, and Lord Maynard, for the peers, and with three of the Scotch Commiſſioners, to carry to the King at Oxford, propoſitions of peace. In a viſit, which Mr. Holles and Mr. Whitlocke made one day to the Earl of Lindſey, they were ſurprized at the coming in of the King; who, after other converſation, deſired them to write down what they thought would be a proper anſwer to the Parliament's propoſitions. This they did, and Lord Savile, who was there, accuſed them afterwards to the Commons, for tranſacting ſeparately with the King. The leaders of the independent party in the houſe, being jealous of Mr. Holles, who had the greateſt weight of any man, and was no friend to them, puſhed on the enquiry againſt him, with extreme animoſity; but they wanted ſome witneſs, who would give a credit to their proceedings. As Mr. Holles's enmity to Sir Anthony was well known, they doubted not but Sir Anthony would readily embrace ſuch an opportunity of avenging himſelf. He was, accordingly, ſummoned to the houſe, and examined whether he knew, or heard of Mr. Holles's having had any ſecret tranſactions with the King: but he could not be induced to make the leaſt diſcovery, though he was threatened with being ſent to the Tower for his contumacy. Mr. Holles was ſo ſenſibly affected with Sir Anthony's conduct, that he paid him a viſit, to expreſs his gratitude; but Sir Anthony ſaid, that he lay under no obligation to him; for what he had done was out of regard to his own character: though, if Mr. Holles ſhould think him worthy of his friendſhip, as he knew his merit, he would with pleaſure receive it. Mr. Holles was ſtruck with this generoſity, and openneſs of behaviour; and from that inſtant they commenced an uninterrupted friendſhip.

Remarks on Sir Anthony's conduct.

This conduct of Sir Anthony, towards Mr. Holles, was an evident proof of that greatneſs of mind for which he was

was diſtinguiſhed through every part of his life; and it is very remarkable, that, amongſt all the ſlanders with which venal or prejudiced writers have aſperſed his character, no one has ever accuſed him of betraying any confidence which was repoſed in him, even by thoſe who were afterwards his enemies. Now, if it be conſidered how conſtantly he was engaged in intrigues of ſtate, and how various thoſe intrigues were, it cannot be doubted but that an after diſcovery would often have proved of the greateſt conſequence. If, therefore, he had been either covetous or vindictive, he would have been tempted to betray the ſecrets entruſted with him; or, if he had been of a fearful temper, he would have been terrified into the doing of it. 1643.

Though he laid himſelf under the reſtraint of never revealing any thing to the prejudice of others, or betraying the ſecrets of converſation, no man was more * obſervant of the bias and turn of mens minds, or had a quicker inſight into their views and deſigns.

Soon

* Mr. Locke ſays, "that he never knew any one penetrate ſo quick "into mens breaſts, and, from a ſmall opening, ſurvey that dark ca- "binet; of which he gives the following inſtance.

"Sir Richard Onſlow and he were invited by Sir J. D. to dine "with him at Chelſea, and deſired to come early, becauſe he had an "affair of concernment to communicate to them. They came at the "time, and being ſat, he told them he had made choice of them "both, for their known abilities, and their particular friendſhip to "him, for their advice in a matter of the greateſt moment to him "that could be. He had, he ſaid, been a widower for many years, "and began to want ſomebody, that might eaſe him of the trouble of "houſekeeping, and take ſome care of him, under the growing infir- "mities of old age; and, to that purpoſe, had pitched upon a woman "very well known to him, by the experience of many years; in fine, "his houſekeeper. Theſe gentlemen, who were not ſtrangers to his "family, and knew the woman very well, and were, beſides, very "great friends to his ſon and daughter grown up, and both fit for "marriage,

1644.

Sir Anthony's tranſactions in the Parliament's army.

Soon after Sir Anthony came into the Parliament's quarters, he was entruſted with conſiderable commands. On the 14th of Auguſt, 1644, he was appointed, by the Lords and Commons, one of the committee of the county of Dorſet, &c. for governing the army. He had the command of a brigade, conſiſting of Col. Popham's and Col. Cooke's regiments. At the head of theſe, he marched to Wareham, and, furiouſly attacking one of the outworks, drove the enemy into the town; who immediately ſurrendered upon

Takes Wareham,

" marriage, to whom they thought this would be a very prejudicial " match, were both in their minds to oppoſe it; and, to that pur- " poſe, Sir Richard Onſlow began the diſcourſe; wherein, when he " came to that part, he was entering upon the deſcription of the wo- " man, and going to ſet her out in her own colours; which were " ſuch as could not have pleaſed any man in his wife. Sir Anthony, " ſeeing whither he was going, to prevent any miſchief, begged leave " to interrupt him, by aſking Sir J. a queſtion; which, in ſhort, was " this; whether he were not already married? Sir J. after a little " demur, anſwered, Yes truly, he was married the day before. " Well then, replied Sir Anthony, there is no more need of our ad- " vice; pray let us have the honour to ſee my Lady, and wiſh her joy, " and ſo to dinner. As they were returning to London in their " coach, I am obliged to you, ſaid Sir Richard, for preventing my " running into a diſcourſe which could never have been forgiven me, " if I had ſpoke out, what I was going to ſay. But, as for Sir J. " he methinks ought to cut your throat for your civil queſtion. " How could it poſſibly enter into your head to aſk a man, who had " ſolemnly invited us on purpoſe to have our advice about a marriage " he intended, had gravely propoſed the woman to us, and ſuffered " us ſeriouſly to enter into the debate, whether he was already mar- " ried or no? The man and the manner, replied Sir Anthony, gave " me a ſuſpicion, that, having done a fooliſh thing, he was deſirous to " cover himſelf with the authority of our advice. I thought it good " to be ſure before you went any farther, and you ſee what comes " of it. This afforded them entertainment till they came to town, " and ſo they parted."

LOCKE'S MEMOIRS.

terms

* terms which ſhew how little inclined he was to ſeverity. Three hundred of the garriſon undertook to ſerve the Parliament againſt the rebels in Ireland. 1644.

Not long after, he was ordered, by the ‡ Parliament, to draw together, out of the ſeveral garriſons, a ſufficient number of horſe and foot, to block up Corfe Caſtle, which he ſucceſsfully performed. Corfe ſoon ſurrendered, and received a ſtrong garriſon for the Parliament; and, for the better preſervation of the place, Sir Anthony threw a troop of horſe, with a body of foot, into Lulworth. Corfe Caſtle.

On the 25th of October, 1644, he was appointed commander in chief for the county of Dorſet; and, with a brigade of horſe and foot, which he drew out from the garriſons of Wareham, Poole, and Weymouth, he marched to Abbotſbury, a place, at that time of importance, ſituated on the ſea coaſt. Upon his approach, Colonel Strangeways, who was governor of the town, and had a conſiderable force, garriſoned his houſe. Sir Anthony came before it at night, and ſent a ſummons to the Colonel, who returned a ſlighting anſwer; and the garriſon hung out a bloody flag. A party of the garriſon having entered into the church, which flanked the houſe, Sir Anthony ordered a body of muſketteers to attack them. After a ſmart ſkirmiſh, they ſurrendered, and were all made priſoners. Then Sir Anthony ſent a ſecond ſummons, offering under his hand fair quarter to the garriſon, which he declared they muſt not expect, if they ſhould oblige him to ſtorm. They reſolved to admit of no treaty, and added ſome contempt to the ſecond anſwer. Upon this, Sir Anthony, who had only fire-arms and hand-granadoes, but no cannon for a regular ſiege, and who was deſirous of intimidating other garriſons by the His exploit at Abbotſbury.

* Appendix. ‡ Appendix.

vigour

1644. vigour of his proceedings, began to ſtorm the houſe. The action was very hot during ſix hours, and he was forced to burn down an outgate to a court, before he could get up to the houſe. His men preſently ruſhed through the fire, cloſe to the hall porch, and plied the windows ſo hard with ſmall ſhot, that the enemy durſt not appear in the lower rooms; and whilſt, with his ſcaling ladders, and granadoes, he attacked the upper apartments, ſome of his troops wrenched open the windows of the lower, with iron bars; and, by firing into it, the houſe was ſoon in a flame. He then offered the enemy quarter again, which they thought proper to accept. Notwithſtanding the fire, his men immediately fell to plundering the houſe, and could not, either by commands or intreaties, be induced to leave it; though it was repreſented to them that the enemy's magazine was near the fire, and, if they ſtayed, would prove their deſtruction. It happened ſo ſoon afterwards; for the powder taking fire, blew up all who were in the houſe, and, by the violence of its exploſion, threw up four ſcore, who were in the court, ſome diſtance from the ground; but of theſe only two were much hurt. He loſt but fifteen men in the action, and above ſixty by this accident; among others, Captain Heathcock, and two or three officers, who were ſent into the houſe to get out the ſoldiers. The houſe was burnt, notwithſtanding all Sir Anthony's endeavours to the contrary. Colonel Strangeways, the major, and three captains of his regiment, were taken priſoners, with about one hundred foot and thirty horſe. Sir Anthony ſent a letter to the Committee of Parliament, to acquaint them with his ſucceſs. He gave great encomiums to the ſeveral officers under him, and particularly to ſome who went as volunteers. From hence he marched to Dorcheſter, to refreſh his men, who were fatigued with the action. But his active temper not allowing him to continue idle, he ſucceſſfully

fully attacked the remaining garriſons in Dorſetſhire, and reduced them to an obedience to the Parliament. 1644.

Relieves Taunton.

Sir Anthony, after this, marched to the relief of Taunton town and caſtle, where Blake (who was afterwards the admiral) was governor. Blake had held it out ſurprizingly, notwithſtanding the great want of ammunition and proviſions, and the weakneſs of the works. Colonel Wyndham commanded the ſiege, and Sir Lewis Dives was marching with a conſiderable force to ſupport him; but Sir Anthony meeting this body, encountered and routed it, obliged the Colonel to raiſe the ſiege, and immediately acquainted the Parliament with the relief of the town *.

Quits his military employments.

Sir Anthony acted not long in a military capacity; and, as he accepted of theſe employments with no private views, but from a ſenſe of honour, and the impulſe of his courage, he was guilty of no oppreſſions on the people of the country, or thoſe under his command. He was beloved by the ſoldiers, and reſpected by the officers. Theſe were ſo far from being jealous or envious of him, that though he was ſo young, and had ſo lately entered into the ſervice, yet the Colonels of thoſe regiments under his command were afterwards much attached to him; and one of them, Colonel Popham, went with him through moſt of his undertakings afterwards for the Reſtoration.

In the year 1645, he was made high ſheriff of the county of Norfolk, and, in the following year, high ſheriff of the county of Wilts, with a particular ordinance of Parliament, for liberty to live in Dorſetſhire †; where he contented himſelf in a quiet retirement, acting only as a juſtice of peace; 1645.

* Whitlocke. † Whitlocke.

1644. in which office, ſo uſeful at a time when ſuch animoſities prevailed, he was of great ſervice to the county, as he was an active magiſtrate.

1644. Riſe of the Independents. About this time, affairs carried another appearance from what they had done at the beginning of the parliament, and were under another conduct. A new ſet of men had obtained the influence in the houſe of commons, whoſe views ſeemed to be, not ſo much for a reſtoration or improvement of the conſtitution, as a total change of it. The former leading members of the Parliament, ſuch as the Earls of Eſſex, Bedford, and Mancheſter, among the Lords; Hampden, Pym, Holles, and others, in the Houſe of Commons, had very ſincere intentions, and extenſive views, for the public good. They had begun the oppoſition upon the grievances that were introduced and ſupported by the court, and had proſecuted a redreſs of theſe with great ſteadineſs. When the Civil War broke out, many of them maintained, by the ſword, thoſe rights and liberties which they had avowed and ſupported in parliament. Some of the principal members of the Commons, particularly Hampden and Pym, died in the beginning of the war; others, who grew weary of the ſervice, retired into their ſeveral counties. In their room, a new party had been growing up: theſe were the Independents, who had all the fire of enthuſiaſm, who were more determined in their meaſures, and, therefore, more conſtant in their attendance. As they were bent on puſhing things to an extremity between the King and the Parliament, they reſolved to lay aſide the Earls of Eſſex, Bedford, and others, who had the command of the army, and were deſirous of an accommodation. For this purpoſe, they contrived the ſelf-denying ordinance, by which no member of either houſe of parliament could, during the war, enjoy or execute any office or command, civil or military. This was ſtrongly oppoſed by Mr. Holles,

Self-denying ordinance.

1644-5.

Sir

Sir Philip Stapleton, and others of the Preſbyterian party; and as ſtrenuouſly ſupported by Sir Henry Vane, Oliver Cromwell, and the reſt of the Independents. Cromwell, who was both a member of the houſe of commons, and lieutenant general of the army, was the principal contriver of it; and had, at that time, formed a ſcheme for raiſing himſelf, which he afterwards carried on with wonderful ſucceſs, and to a greater extent than he had probably at firſt deſigned. In purſuance of this ordinance, the Earls of Eſſex, Denbigh, and Mancheſter, Sir William Waller, Sir Philip Stapleton, and others, reſigned their commiſſions; and Sir Thomas Fairfax, a man of great bravery and conduct, of rigid honour in his principles, but of too eaſy a temper, was made general of all the Parliament's forces. Cromwell went down into the weſt, juſt before the former officers ſurrendered their commiſſions, and ſo influenced Fairfax, that he wrote to the Parliament, repreſenting the neceſſity of continuing Cromwell in his commands; to which, by ſeveral ordinances from time to time, they aſſented. Cromwell, in the name of Fairfax, new modelled the army; which, by putting in officers who were known only to himſelf, he entirely governed. This army, with greater vigour and with ſuperior ſucceſs, carried on the war againſt the King; who was, at laſt, ſo much reduced, his forces being routed in almoſt every engagement, and the chief of his garriſons having ſurrendered, that he made his eſcape privately from Oxford, and threw himſelf into the Scotch army at Newark. The Scotch were then in poſſeſſion of Newcaſtle, Carliſle, and other Engliſh garriſons; but they agreed to deliver up theſe, and, likewiſe, the King, to the Parliament, upon the payment of a conſiderable ſum of money. The Parliament, ſoon after the agreement, ſent commiſſioners to the Scotch army to receive the King; who was conducted, under a ſafe guard, to Holmby

1644-5.

1645.

1646.

The Scotch deliver up the King.

1646. Conduct of the army.

Houſe in Northamptonſhire. After this, the Engliſh army, having no enemies to encounter, and being elated with ſucceſs, began to grow mutinous; forgetting their maſters, who raiſed them, and the principles for which they had fought ſo long. Being abſolutely under the influence of Cromwell, they became ſubſervient to his ambitious deſigns; and aſſumed the boldneſs to petition againſt, and cenſure any meaſures, or even members of the Parliament diſliked by him. They eſtabliſhed a council of officers, to ſolicit the affairs of the army; which officers were ſome of Cromwell's principal confidents and agents. This made his intentions and the danger of them very evident, and conſequently alarmed thoſe members of the houſe of commons who had the welfare of their country ſtill in view, and courage to purſue it. Among theſe, Mr. Holles was one of the moſt eminent; and accordingly he reſolved to attack Cromwell publickly in the houſe of commons. This deſign he communicated to his friend Sir Anthony, who gave, upon this occaſion, a proof of his clear and excellent judgment; as appears from the following ſtory, related by Mr. Locke *.

Cromwell's deſigns.

1647. Sir Anthony's advice with regard to Cromwell.

From the time of the reconciliation of Sir Anthony and Mr. Holles, they had been very hearty friends. "It happened one morning that Sir Anthony calling upon Mr. "Holles, as he often did, he found him in a great heat againſt "Cromwell, who then had the command of the army, "and a great intereſt in it. The provocation may be read "at large in the pamphlets of that time, for which Mr. "Holles was † reſolved, he ſaid, to bring him to puniſh-

* Locke.

† Lord Clarendon takes notice of this deſign againſt Cromwell, but ſays that Cromwell hearing of it, made his eſcape to the army the next morning, without going to the houſe.

ment.

" ment. Sir Anthony diſſuaded him, all he could, from 1647.
" any ſuch attempt; ſhewing him the danger of it; and
" told him it would be ſufficient to remove him out of the
" way, by ſending him with a command into Ireland.
" This, Cromwell, as things ſtood, would be glad to ac-
" cept; but this would not ſatisfy Mr. Holles. When he
" came to the houſe, the matter was brought into debate,
" and it was moved that Cromwell, and thoſe guilty with
" him, ſhould be puniſhed. Cromwell, who was in the
" houſe, no ſooner heard of it, but he ſtole out, took horſe
" and rode immediately to the army, which, as I remem-
" ber, was at Triploe Heath. There he acquainted them
" what the Preſbyterian party was doing in the houſe; and
" made ſuch uſe of it to them, that they, who were before
" in the power of the Parliament, now united together
" under Cromwell, who immediately led them away to
" London; giving out menaces againſt Holles and his
" party as they marched, who, with Stapleton and ſome
" others, were forced to fly; and thereby the Independent
" party becoming the ſtronger, they, as they called it,
" purged the houſe, and turned out all the Preſbyterian
" party. Cromwell ſome time after, meeting Sir Anthony,
" told him, I am beholden to you for your kindneſs to me;
" for you, I hear, were for letting me go without puniſh-
" ment; but your friend, God be thanked, was not wiſe
" enough to take your advice."

If this advice of Sir Anthony's had been followed, it might probably have contributed to the ſettling of the nation, and have prevented the fatal exit of the King. For immediately upon Cromwell's going to the army, Cornet Joyce went with a party of horſe, took the King away by force from the commiſſioners appointed by the Parliament to attend him, and carried him to the army; which was done without the knowledge of Fairfax, (as he acquainted the

The King carried to the army.

1647. the Parliament) and plainly by the direction and artifice of Cromwell.

Insolent proceedings of the army.

When Cromwell went to the army, he neglected no means to inflame them, and they, when they had gotten the King in their power, became more violent in their conduct. A reſolution had been taken in the houſe of commons to diſband them, which might, perhaps, have been effected, if Cromwell had been ſent into Ireland. To prevent this, the army ſent a petition to the Parliament, couched in high terms, againſt their diſbanding; and to add a vigour to their petition, they marched directly to St. Albans, in their way towards London. In order to remove thoſe who were moſt capable of obſtructing them, and to intimidate others who might not be well diſpoſed towards them, ſome officers were appointed to preſent to the Commons, in the name and behalf of the army, an impeachment againſt Mr. Holles, and ten other members, who were the ſpirit and ſupport of the Preſbyterian party in the houſe. Theſe gentlemen immediately withdrew, and ſeveral of them retired into foreign countries.

1648. The King tried and executed.

The Parliament, being thus under the command of the army, and conſequently under the influence of Cromwell, ſoon proceeded to the trial and execution of the King; who, during his confinement, and at his death, behaved with great magnanimity.

1649. Commands conferred upon Cromwell.

After this, Cromwell was appointed by the Parliament commander in chief of the forces in Ireland, a promotion which was highly pleaſing to him, and his ſucceſs there was great, and equal to his conduct. In the year 1650, on

1650. Fairfax's reſigning his commiſſion, he was made general of all the forces in England and Ireland.

In

In the month of June, King Charles the Second arrived in Scotland, where he had been proclaimed by the parliament of that kingdom. He applied himſelf chiefly to the Marquis of Argyle, who had the greateſt influence and credit. To gain his eſteem, he put on an appearance of devotion, and by his advice he for ſome time regulated his conduct. He gave a promiſe under his hand and ſeal, to make him a duke, a knight of the garter, and one of his bed-chamber; as, likewiſe, to be influenced by his counſels; and that, when reſtored to his juſt rights, he would pay to the Marquis forty thouſand pounds †, which was due to him. Great part of this money had been lent to the King, and the reſt expended in his ſervice. It was principally by the Marquis's aſſiſtance, (after Cromwell's victory at Dunbar, September the 3d, 1650) that the army was raiſed, with which the King marched to Worceſter, where he met with a total defeat. 1650. Charles the Second's arrival in Scotland.

Whilſt the King was in Scotland, to ingratiate himſelf with the kirk, he complied with all their unreaſonable propoſals; and even took the covenant, which was rudely preſſed upon him. This gave ſuch jealouſy to the Jure Divino Clergy of England, that they forgot their principle of Monarchy being, likewiſe, Jure Divino. They offered, by Dr. Morley, their intereſt to the Duke of York, for placing him on the throne of England, in the room of his brother. His compliances there.

The King's compliance was, however, only for a ſhort time; and when he left Scotland, he quitted Preſbytery, and conceived an averſion to the profeſſors of it, from the ſeverity of their diſcipline.

† The Marquis, ſoon after the Reſtoration, was tried, condemned, and executed, for having acted with Cromwell and the Parliament.

The

1651. The Parliament, after the battle at Worceſter, having ſome jealouſy of Sir Anthony, (who had openly declared his diſlike to their proceedings, and violent meaſures) ſecured him as a delinquent; and he continued ſome time under their diſpleaſure; till they found themſelves in danger of being diſpoſſeſſed of their power and government by the General. Things being in this ſituation, in order to gain his friendſhip, (as it was known that there was a miſunderſtanding between Cromwell and him, who ſaw early that the deſigns of Cromwell were to raiſe the power of the army, and himſelf by their means) on the 17th of March 1652, it was reſolved by the houſe, that Sir Anthony Aſhley Cooper ſhould be pardoned of all delinquency.

Sir Anthony ſecured as a delinquent.

1652.

Soon after this, Cromwell, being flushed with ſucceſs, gave a looſe to his ambition. In the moſt arbitrary manner, and in the moſt inſolent terms, he ſuſpended the very being of the Parliament; and aſſumed to himſelf the adminiſtration of government. When he had obtained this, he knew he muſt be ſupported in it by men of ſpirit and abilities; and he endeavoured to ſecure in his ſervice and intereſt ſuch as were diſtinguiſhed for them. Among others, he applied himſelf to Sir Anthony, and in ſo open a manner, that it was reported he would make him lord chancellor; but Sir Anthony was ſteady againſt all his arts and careſſes, and never * accepted of any employment under him.

Cromwell's arbitrary conduct.

Endeavours to gain over Sir Anthony.

1653. Cromwell ſummoned a Convention to meet on the 4th of July 1653, in which Sir Anthony was nominated for the county

Sir Anthony's conduct in

* Through the whole collection of Secretary Thurloe's papers, which take in almoſt all the material tranſactions, and the principal men in office under the Protectorate, there is no mention made of Sir Anthony, but in two letters, wherein he is ſuſpected, among others, to be well affected to the King, and to have remitted money to him.

of

of Wilts; and during the time of its ſitting, he watched all opportunities to expoſe Cromwell's deſigns of enſlaving his country by this eſtabliſhment. Sir Anthony well knew that the moſt effectual method of eſtabliſhing an arbitrary power in any nation, where a ſenſe of liberty prevailed, muſt be under the old forms of government, and a ſhew of the conſtitution; by which the people would inſenſibly loſe the ſpirit of freedom, and rivet their own chains. Obſerving the ſeveral turns and inclinations of the members, he confounded the propoſals and debates of Oliver's creatures. By his addreſs, he ſoon gained ſuch an intereſt in this pretended parliament, that he prevented Cromwell's intentions of rendering it ſubſervient to his greatneſs; and on the 12th of December, he procured a motion to be made, that the ſitting of that parliament any longer, would not be for the good of the commonwealth; which motion was ſupported by himſelf, and ſeveral members, and carried in the affirmative. Upon this Convention's being diſſolved, Cromwell aſſumed the Protectorſhip. He called another parliament, to ſit on the 3d of September 1654, and as Sir Anthony, by the ſteps which he had taken, was highly obnoxious to him, Cromwell ſent ſecret directions to prevent his being returned at the next election. Sir Anthony, however, was elected for the county of Wilts.

1653. the Convention of 1653.

1654.

When Cromwell was firſt inveſted with the Protectorſhip, he made it his ſtudy, as it was his intereſt, to ſoften the violence of his proceedings, by all the arts of popularity. To make the public, therefore, believe that they would be governed by their own repreſentatives, he took an oath, and ſubſcribed an inſtrument, of which one of the articles was, "That the parliament then to be choſen, and all ſucceeding parliaments, were to ſit five months from the time of "their meeting." Another article appointed in what proportion the members were to be choſen; who, by this new

1654. regulation, were to be principally elected from the counties; a regulation well adapted for the ſecurity of the conſtitution, by making the election of members more general and more equal, and by providing againſt the venality and dependence of boroughs. The good effects of it appeared at that time; many of the moſt conſiderable gentlemen of their reſpective counties being returned for members. Sir Anthony exerted himſelf as vigorouſly as before, and with ſuch ſucceſs, that the power and authority of the Protector, and his new government, began to be called in queſtion. The debates ran ſo high, that Cromwell, being apprehenſive his power would be overthrown, went to the houſe; and at the cloſe of a long ſpeech, the members were required to ſign a recognition in theſe words, viz.

and in the Parliament of 1654.

"I A. B. do hereby freely promiſe and engage myſelf "to be true and faithful to the Lord Protector, and the "Commonwealth of England, Scotland, and Ireland; and "ſhall not (according to the tenor of the indenture whereby "am returned to ſerve in this preſent parliament) propoſe, "or give my conſent to alter the government, as it is "ſettled in one ſingle perſon, and a parliament."

This, being engroſſed, was placed upon a table, near the door of the houſe of commons; where no members were allowed to enter, until they had ſigned it; which was a great breach of the new conſtitution, and plainly indicated Cromwell's diſpoſition, and on what foundation he intended to build his government. About one hundred and thirty of the members ſigned it the firſt day, and others the ſecond; but Sir Anthony refuſing, he was excluded. He did, however, ſo influence thoſe who were admitted, that, notwithſtanding the recognition, Cromwell found the Parliament would not come into his meaſures; and, therefore, neither

neither his inſtrument of government nor oath could keep him from diſſolving it, on the 22d of January 1654-5, before the five months they were to ſit were expired. 1654-5. Parliament diſſolved.

The diſſolution cauſed ſuch a general diſcontent, that he ſat very looſe in his Protectorſhip; and had probably been removed, if a plot contrived between the King's party and the Levellers had not been diſcovered, as it was, by one Manning, who attended the King at Cologne; which diſcovery enabled Cromwell to ſurprize the conſpirators at their firſt riſing, and prevent their gathering into conſiderable bodies. Several perſons, as Penruddock, Grove, Lucas, and others were executed; and (as is the caſe in all plots that are premature and unſucceſsful) this fixed Cromwell ſo firmly in his ſtation, that he could not eaſily be ſhaken. Plot againſt Cromwell defeated.

Cromwell tried many ways to fix Sir Anthony in his intereſt, but without ſucceſs. He named him one of his council; yet Sir Anthony never appeared or acted in it; and, as he behaved in private with the utmoſt circumſpection, Cromwell, ſpeaking to his friends, uſed to ſay, there was no one he was more at a loſs how to manage, than that Marcus Tullius Cicero, the little man with three names. But though Sir Anthony was ſo reſerved in his conduct toward the Protector, he lived in great friendſhip with his ſecond ſon, Henry Cromwell, who, when Deputy of Ireland, gained a general eſteem. Cromwell courts Sir Anthony.

On the 17th of September, 1656, another Parliament met; in which Sir Anthony was again choſen. After hearing a ſermon at the Abbey Church at Weſtminſter, and the Protector's ſpeech in the Painted Chamber, the members repaired to the houſe of commons; where they found the lobby filled with ſoldiers, and an officer at the door, with a liſt in his hand, refuſing entrance to all that had not a 1656. Another Parliament.

1656. * certificate of approbation. Sir Anthony, with the other excluded members, (finding no redreſs from the houſe) drew up a ‖ proteſtation by way of appeal to God and the people, "declaring the great dangers they were in from "the ſlavery, rapines, oppreſſions, cruelties, murders, and "confuſions comprehended in the horrid act of the Pro-"tector, who had now openly aſſumed a power to pack an "aſſembly of his confidents, paraſites, and confederates, "and called them a Parliament, that he might thence pre-"tend that the people had conſented to become his ſlaves, "and to have their perſons and eſtates at his diſcretion." This remonſtrance, after they had ſubſcribed their names, they printed and publiſhed.

A deſign to make Cromwell King.

The members who were admitted, being well modelled for Cromwell's deſigns, reſolved, in the firſt place, to fix the crown on his head; but that was highly reſented by the army, who had fought ſo long againſt the very name and office of a King, and, eſpecially, by ſome of the ſuperior officers, who, perhaps, had a view to ſucceed Cromwell in his power. He did not dare, therefore, to indulge his inclinations of accepting the crown. Cromwell's junto afterwards framed another inſtrument of government, by the name of "the humble petition and advice of the knights, "citizens, and burgeſſes aſſembled in the Parliament of the "Commonwealth;" whereby they confirmed to him the

* Theſe are to certify that ——— ——— is returned, by indenture, one of the knights, to ſerve in this preſent parliament for the ſaid county, and approved by his Highneſs's council, 17th September 1656.

NATH. TAYLOR,
Clerk of the Commonwealth in Chancery.

‖ Whitlocke's Memoirs, fol. 640.

name

name and ſtile of the Lord Protector of the Commonwealth of England, Scotland, and Ireland, and the dominions and territories thereunto belonging; (into which office he was inaugurated with great ſolemnity, the 26th day of June 1657) and he was, alſo, thereby impowered to declare and appoint who ſhould ſucceed him in that office, after his death. 1657.

It is apparent, from the excluſion of Sir Anthony from the Parliament, and from their entering immediately upon making Cromwell King, (who no doubt had this in his view, by keeping out all thoſe whom he ſuſpected not to be in his intereſt) that there can be no foundation for what Biſhop Burnet ſays of Sir Anthony, "that he adviſed Crom-"well to take the Kingſhip," though, indeed, the Biſhop ſays, he did it with a deſign to deſtroy him; but as this deſign muſt have been unknown to Cromwell, he would not ſurely have excluded the man who gave him the advice, and who, by his abilities and power of ſpeaking, might have contributed greatly to his ſucceſs. Biſhop Burnet's miſtakes corrected.

It is very probable, likewiſe, that if Sir Anthony had made ſuch a propoſal to Cromwell, Cromwell would, in return, have made him one of the new-created houſe of peers: for though many of them were men of low extraction, education, and capacities; yet, to give a dignity to the body, he added ſeveral of the old lords, and gentlemen of the greateſt fortunes and character. Now, as Sir Anthony was diſtinguiſhed for both, Cromwell would not have omitted him; though, at the ſame time, it may reaſonably be believed, from his conduct in other reſpects, that if Sir Anthony had been nominated, he would have diſdained a ſeat amongſt them.

From

1657. From hence there appears as little foundation for another ſtory of the Biſhop's; that Cromwell offered to make Sir Anthony King. Cromwell was too fond of power, and too wiſe to make a propoſal of this nature, in earneſt, to a man of ſpirit and underſtanding; and there is as little probability, that he would make the propoſal in jeſt to a perſon ſo conſpicuous for his penetration. The Biſhop, indeed, ſays, Sir Anthony pretended that Cromwell would have made him King; but for this he does not quote any authority: and it is ſurprizing, that neither Mr. Locke nor Mr. Stringer, (who have both left ſome account of Lord Shafteſbury) ſhould have taken the leaſt notice of ſo extraordinary a circumſtance; eſpecially if what the Biſhop ſays of him be true, viz. "that he had ſuch an extravagant va-"nity in ſetting himſelf out, as made him very diſagreea-"ble:" which obſervation, likewiſe, does not ſeem conſiſtent with the other parts of his character.

1658. Cromwell's death and character. On the 3d of September, 1658, Oliver Cromwell died, and ſoon after him died that power which his vigour alone had ſupported. He had an active courage, an extenſive mind, and an unbounded ambition. He was ſagacious in forming, artful in conducting, and ſteady in executing his ſchemes. With a profound diſſimulation, he had acquired an extraordinary knowledge of mankind. He was zealous for the honour of England abroad, where he raiſed it to a great height; but an enemy to her liberties at home, where he entirely depreſſed them. He ſought out and employed men of abilities, as the ſinews of his government. Having acquired this by art and by the ſword, he maintained it by the ſame means; and made the laws give way to his will, wherever they interfered. To his power, all his views were directed, all his principles were ſacrificed, all his paſſions were ſubſervient; and to this were the three kingdoms, at length, entirely ſubjected.

SECTION

SECTION VI.

The conduct of Sir Anthony Aſhley Cooper in public affairs, from the death of Oliver Cromwell to the Reſtoration; and a particular account of the concern which he had in bringing about that event.

OLIVER CROMWELL left the Protectorſhip to his ſon Richard, who, being deſtitute of his father's abilities, could not long ſupport it. The conſequence of this was, that the government fell into great confuſions, and, in a ſhort time, underwent a variety of changes. In the midſt of theſe, every man, who was a wellwiſher to the Royal Family, conceived hopes of the Reſtoration; and Sir Anthony, always watchful for advantages, and ever active to improve them, was in many conſultations with thoſe who had the greateſt power and intereſt to bring it about: and, as he had always kept this in his view, it will appear that he was the principal perſon by whom it was effected. He thought that to divide the counſels of the government in being would be the ſureſt method of deſtroying it, and of opening the door to a Reſtoration; and, therefore, he ſoon paved the way for this diviſion. 1658. Richard Cromwell ſucceeds his father. Sir Anthony's views.

Richard Cromwell, upon his father's death, was, in a very ſolemn manner, proclaimed Protector in London and Weſtminſter, and afterwards in moſt of the chief cities and towns in England: the city of London appeared very zealous; the army and navy congratulated him, and aſ- Flattering ſituation of Richard's affairs.

ſured

1658. sured him of their fidelity; addreſſes were brought up from moſt of the counties in England; and compliments of condolance and congratulations were ſent to him from ſeveral foreign princes, with offers of renewing their alliances. Theſe things flattered Richard with an opinion of his ſecurity in his high ſtation, and gave a melancholy proſpect to the friends of the Royal Family. He called a parliament, which met January the 27th, 1658-9, the upper houſe conſiſting of the ſame perſons whom his father had conſtituted his houſe of lords. Sir Anthony, being choſen a member of this parliament, raiſed and fomented, by his addreſs, a diſunion among the members in the lower houſe, a contempt of the upper houſe, and a repugnance to the Protectorate; which made it impracticable to ſettle Richard's government by their means. The houſe of commons fell into great heats upon the eſtabliſhing of the houſe of peers. Lord Clarendon ſays, that "upon this argument they exerciſed themſelves with great licence, as well upon the "creator of thoſe peers, and power of the late Protector, "as upon his creatures the peers; of whoſe dignity they "were not tender, but handled them according to the "quality they had been of, not that which they were now "grown to. They put the houſe in mind, how grievous "it had been to the kingdom, that the Biſhops had ſate in "the houſe of peers, becauſe they were looked upon as ſo "many votes for the King; which was a reaſon much "ſtronger againſt theſe perſons; who were all the work of "the Protector's own hand, and, therefore, could not but "be entirely addicted and devoted to his intereſt."

New Parliament.

Authority of the upper houſe called in queſtion.

Remarkable ſpeech of Sir Anthony.

Lord Clarendon probably made this remark in conſequence of the following excellent ſpeech of Sir Anthony's, which is here inſerted at length, as it diſcovers the vivacity of his wit, and the freedom of his ſpirit, and was attended with extraordinary conſequences. The reader will obſerve, by

by ſome little inaccuracies, and the repetition of the words "to conclude," that it was not a ſtudied ſpeech; and that Sir Anthony was carried on, by the warmth of his imagination, to a greater length than he intended. 1658.

"Mr. Speaker,

"THIS day's debate is but too clear a proof that we "Engliſhmen are right iſlanders; variable and mutable, "like the air we live in: for, Sir, if that were not our "temper, we ſhould not be now diſputing whether, after "all thoſe hazards we have run, that blood we have ſpilt, "that treaſure we have exhauſted, we ſhould not now ſit "down juſt where we did begin, and, of our own accords, "ſubmit ourſelves to that ſlavery, which we have not only "ventured our eſtates and lives, but, I wiſh I could not "ſay, our ſouls and conſciences, to throw off. What "others, Sir, think of this levity, I cannot tell. I mean "thoſe who ſteer their conſciences by occaſions, and can-"not loſe the honour they never had: but truly, Sir, for "my own part I dare freely declare it to be my opinion, "that we are this day making good all the reproaches of "our enemies, owning ourſelves oppreſſors, murderers, "regicides, ſubvertors of that which we do not only ac-"knowledge to have been a lawful government; but, by "recalling it, confeſs it now to be the beſt: which, Sir, if "it be true, and that we now begin to ſee aright, I heartily "wiſh our eyes had been ſooner open; and, for three na-"tions ſake, that we had purchaſed our conviction at a "cheaper rate. We might, Sir, in forty-two, have been "what we thus contend to be in fifty-nine; and our con-"ſciences would have had much leſs to anſwer for to God, "and our reputations to the world.

1658. "But, Mr. Speaker, I wiſh, with all my ſoul, I did "ſtate the caſe to you amiſs; and that it were the queſ- "tion, whether we would voluntarily relapſe into the diſ- "eaſe we were formerly poſſeſſed of, and, of our own ac- "cords, take up our old yoke, that we with wearing and "cuſtom had made habitual and eaſy; and which (it may "be) was more our wantonneſs, than our preſſure, that "made us throw it off. But this, Sir, is not now the "queſtion: that which we deliberate is not whether we "will ſay, we do not care to be free, we like our old "maſters, and will be content to have our ears bored at "the door-poſt of their houſe, and to ſerve them for ever: "but, Sir, as if we were contending for ſhame, as well as "ſervitude, we are carrying our ears to be bored at the "doors of ANOTHER HOUSE; an houſe, Sir, without a "a name, and, therefore, it is but congruous it ſhould "conſiſt of members without family; an houſe that inverts "the order of ſlavery, and ſubjects us to our ſervants: "and yet, in contradiction to ſcripture, we do not only not "think that ſubjection INTOLERABLE, but are now plead- "ing for it. In a word, Sir, it is a houſe of ſo incongru- "ous and odious a compoſition and mixture, that certainly "the grand architect would never have ſo framed it, had "it not been his deſign, as well to ſhew the world, the "contempt had of us, as to demonſtrate the power he "had over us.

"Sir, that it may appear, I intend not to be ſo prudent "(as far as my part is concerned) to make a voluntary re- "ſignation of my liberty and honour, to this excellent part "of his Highneſs's laſt will and teſtament; I ſhall crave "leave to declare, in a few particulars, my opinion of this "other houſe; wherein I cannot but promiſe myſelf to be "favourably heard by ſome, and patiently heard by all. "For thoſe Engliſhmen who are againſt that houſe, will

"certainly

" certainly with content hear the reaſons why others are ſo 1658.
" too: thoſe courtiers who are for it, give me evidence
" enough to think, that in nature there is nothing which
" they cannot willingly endure.

" Firſt, Sir, as to the author and framer of THE HOUSE
" of peers; let me put you in mind it was he, who, with
" reiterated oaths, had often ſworn to be true and faithful
" to the government without it; and not only ſworn ſo
" himſelf, but had been the chief inſtrument both to draw
" and compel others to ſwear ſo too. So, Sir, the founda-
" tion of that noble ſtructure was laid in perjury, and was
" begun with the violation and contempt, as well of the
" laws of God, as of the nation. He who called Monarchy
" anti-chriſtian in another, and, indeed, made it ſo him-
" ſelf; he who voted a houſe of lords dangerous and un-
" neceſſary, and too truly made it ſo in his partizans; he
" who, with fraud and force, deprived you of your liberty
" when living, and entailed ſlavery on you at his death:
" it is he, Sir, who has left you theſe worthy overſeers of
" that his laſt will and teſtament; who, however they have
" behaved themſelves in other truſts, we may be confident
" will faithfully endeavour to diſcharge themſelves in this.
" In a word, had that other houſe no other fault but its
" conſtitution and author, I ſhould think that original ſin
" enough for its condemnation. For I am of their opinion,
" who think that for the good of example, all acts and
" monuments of tyrants are to be expunged and eraſed;
" that (if poſſible) their memory may be no longer-lived than
" their carcaſſes; and the truth is, their good laws are but
" ſnares for our liberty. But to impute to that other
" houſe no faults but its own, you may pleaſe in the firſt
" place to conſider----of the power which his Highneſs hath
" left it, according to that 'humble petition and advice,'
" which he was pleaſed to give order the parliament ſhould

1658. " preſent to him. For as the Romans had kings, his " Highneſs had ' parliaments amongſt his inſtruments of " ſlavery ;' and I hope it will be no offence for me to pray, " that his ſon may not have ſo too. But, Sir, they have a " negative voice, and all other circumſtances of that arbi- " trary power which made the former houſe intolerable ; " only the dignity and quality of the perſons are wanting, " that our ſlavery may be accompanied with ignominy and " affront. And now, Mr. Speaker, have we not gloriouſly " vindicated the nation's liberty ; have we not worthily " employed our blood and treaſure, to aboliſh that power " which was ſet over us by law ; to have the ſame impoſed " upon us without law? And after all that ſound and noiſe " we have made in the world, of the people's legiſlative " power, and of the ſupremacy and omnipotency of their " repreſentatives, we now ſee, there is no more power left " them, but what is put into the balance, and equalled by " the power of a few retainers of tyranny, who are ſo far " from being the people's choice, that the moſt part of " them are only known to the nation by the miſchiefs they " have committed in it.

" In the next place, Sir, you may pleaſe to conſider, " that the perſons inveſted with that power, are all of " them nominated by the Lord Protector (for to ſay by " him and his council, has in effect no more diſtinction, " than if one ſhould ſay by Oliver and Cromwell). By " that means, the Protector himſelf, by his own, and by " his peers negative, may become, in effect, two of the " three eſtates ; and, by conſequence, is poſſeſſed of two " parts of the legiſlative power. I think this can be a " doubt to no one, who will but take the pains to read " over the catalogue of thoſe noble lords : for certainly no " man who reads their names can poſſibly fancy, for what " virtues or good qualities, ſuch a compoſition ſhould be

" made

" made choice of, but only the certainty of their compli- 1658.
" ance with whatſoever ſhall be enjoined them by their
" creator. Pardon, Sir, that name, for it is properly ap-
" plicable where things are made out of nothing. If, in
" the former government, increaſe of nobility was a griev-
" ance, becauſe the new nobility, having freſh obligations
" to the crown, were more eaſily led into compliance with
" it; and if one of the main reaſons for excluſion of
" Biſhops out of the houſe of lords, was becauſe they were
" of the King's making, and were, in effect, ſo many cer-
" tain votes, for whatever he had a mind to carry in the
" houſe; how much more aſſured will that inconvenience
" now be, when the Protector, who wants nothing of the
" King but (in every ſenſe) the title, ſhall not only make
" and nominate a part, but of himſelf conſtitute the whole?
" In a word, Sir, if our liberty was endangered by the for-
" mer houſe, we may give it up for loſt in the other houſe:
" and it is in all reſpects as ſecure and advantageous for
" the liberty of the nation, which we come hither to re-
" deem, to allow this power to his Highneſs's officers and
" chaplains, as to his other creatures and partizans in this
" other houſe.

" Now having conſidered, Sir, their author, power, and
" conſtitution, give me leave to make ſome few obſerva-
" tions (though but in general) on the perſons themſelves,
" who are deſigned to be our lords and maſters: and let
" us ſee what either the extraordinary quality or qualifica-
" tions are of theſe egregious legiſlators, which may juſtify
" their choice, and prevail with the people to admit them,
" at leaſt, into equal authority with the whole repreſenta-
" tive body of themſelves. But what I ſhall ſpeak of their
" quality, or any thing elſe concerning them, I would be
" thought to ſpeak with diſtinction, and to intend only of
" the major part: for I acknowledge, Mr. Speaker, the

" mixture

1658. " mixture of the other houſe to be like the compoſition of " apothecaries, who mix ſomething grateful to the taſte to " qualify their bitter drugs, which elſe, perhaps, would be " immediately ſpit out, and never ſwallowed. So, Sir, his " Highneſs, of deplorable memory to this nation, to coun- " tenance as well the want of quality as honeſty in the reſt, " has nominated ſome, againſt whom there lies no other " reproach but only that nomination; but not out of any " reſpect to their quality, or regard to their virtues, but " out of regard to the no quality, the no virtues of the " reſt; which truly, Mr. Speaker, if he had not done, we " could eaſily have given a more expreſs name to this other " houſe, than he hath been pleaſed to do; for we know a " houſe deſigned for beggars and malefactors is a houſe of " correction, and ſo termed by our law: but, Mr. Speaker, " ſetting thoſe few perſons aſide, who (I hope) think the " nomination a diſgrace, and their ever coming to ſit there " a much greater; can we without indignation think of " the reſt? He who is firſt in their roll, a condemned " coward; one that out of fear and baſeneſs did once what " he could, to betray our liberties, and now does the ſame " for gain. The ſecond, a perſon of as little ſenſe as ho- " neſty; preferred for no other reaſon, but his no worth, " his no conſcience; except cheating his father of all he " had was thought a virtue by him, who, by ſad experi- " ence we find, hath done as much for his mother, his " country. The third, a cavalier, a preſbyterian, an in- " dependent; for the republic, for a protector, for every " thing, for nothing, but only that one thing, money. " It were endleſs, Sir, to run through them all, to tell " you of the lordſhips of ſeventeen pounds a year land of " inheritance; of the farmer lordſhips, draymen lordſhips, " cobler lordſhips, without one foot of land, but what the " blood of Engliſhmen have been the price of. Theſe, Sir, " are to be our rulers, theſe the judges of our lives and " fortunes:

" fortunes: to theſe we are to ſtand bare, whilſt their 1658.
" pageant lordſhips deign to give us a conference on their
" breeches. Mr. Speaker, we have already had too much
" experience, how inſupportable ſervants are, when they
" become our maſters. All kinds of ſlavery are miſerable
" in the account of generous minds; but that which comes
" accompanied with ſcorn and contempt, ſtirs up every
" man's indignation, and is endured by none, whom na-
" ture does not intend for ſlaves, as well as fortune.

" I ſay not this, Mr. Speaker, to revile any man with
" his meanneſs; for I never thought either the malignity or
" indulgence of fortune to be (with wiſe or juſt men) the
" grounds either of their good or ill opinion. Mr. Speaker,
" I blame not in theſe men the faults of their fortune, any
" otherwiſe, than as they make them their own: I object
" to you their poverty, becauſe it is accompanied with am-
" bition; I remind you of their quality, becauſe they them-
" ſelves forget it: it is not the men I am angry with, but
" their lordſhips. Sir, though we eaſily grant poverty and
" neceſſity to be no faults, yet we muſt allow them to be
" great impediments in the way of honour, and ſuch as
" nothing but extraordinary merit and virtue can remove.
" The ſcripture reckons it amongſt Jeroboam's great
" faults, 'that he made prieſts of the meaneſt of the
" people:' and ſure it was none of the virtues of our Jero-
" boam (who hath ſet up his calves too, and would have
" our tribes come up and worſhip them) that he obſerved
" the ſame method in making lords.

" One of the few requeſts the Portugueſe made to Philip
" the Second, King of Spain, when he got that kingdom
" (as his late Highneſs did this) by an army, was, that he
" would not make nobility contemptible, by advancing
" ſuch to that degree, whoſe quality or virtue could be

" no

1658. " no ways thought to deſerve it. Nor have we formerly
" been leſs apprehenſive of ſuch inconveniencies ourſelves.
" It was in Richard the Firſt's time, one of the Biſhop of
" Ely's accuſations, that caſtles and forts of great truſt he
" did (' obſcuris et ignotis hominibus tradere') put in
" the hands of obſcure and unknown men. But we, Mr.
" Speaker, to ſuch a kind of men are delivering up the
" power of our laws, and, in that, the power of all.

" In the 17th of Edward the Fourth, there paſſed an act
" of parliament for degrading John Nevil, Marquis Mon-
" tague, and Duke of Bedford: the reaſon expreſſed in the
" act, becauſe he had not a revenue ſufficient for the main-
" taining of that dignity; to which was added, when men
" of mean birth are called to high eſtate, and have no
" livelihood to ſupport it, it induceth briberies and extor-
" tions, and all kinds of injuſtice that are followed by
" gain. And in the parliament of 2d Carol. the peers,
" in a petition againſt Scottiſh and Iriſh titles, told the
" King, that it was a novelty without precedent, that men
" ſhould poſſeſs honours, where they poſſeſſed nothing
" elſe; and that they ſhould have a vote in parliament,
" where they have not a foot of land. But if it had been
" added, or have no land, but what is the purchaſe of
" their villainies, againſt how many of our new peers
" would this have been an important objection? To con-
" clude; it has been a very juſt and reaſonable care among
" all nations, not to render that deſpiſed and contemptible
" to the people, which is deſigned for their reverence
" and awe; and, Sir, an empty title, without quality or
" virtue, never procured any man this; any more than
" the image in the fable made the aſs adored that car-
" ried it.

" After

1658.

" After their quality, give me leave to ſpeak a word or
" two of their qualifications; which certainly ought, in
" reaſon, to carry ſome proportion with the employment
" they deſign themſelves. The houſe of lords are the King's
" great hereditary council; they are the higheſt court of
" judicature; they have their part in judging and deter-
" mining of the reaſons for making new laws, and abro-
" gating old: from amongſt them we take our great offi-
" cers of ſtate; they are commonly our generals at land,
" and our admirals at ſea. In concluſion, they are both
" of the eſſence, and conſtitution of our old government;
" and have, beſides, the greateſt and nobleſt ſhare in the
" adminiſtration. Now certainly, Sir, to judge according
" to the dictates of reaſon, one would imagine ſome ſmall
" faculties and endowments to be neceſſary for diſcharging
" ſuch a calling; and thoſe ſuch as are not uſually acquired
" in ſhops and warehouſes, nor found by following the
" plough: and what other academies moſt of their lord-
" ſhips have been bred in, but their ſhops; what other
" arts they have been verſed in, but thoſe which more re-
" required good arms and good ſhoulders than good
" heads, I think we are yet to be informed. Sir, we com-
" mit not the education of our children to ignorant and
" illiterate maſters; nay, we truſt not our very horſes to
" unſkilful grooms. I beſeech you, let us think it belongs
" to us to have ſome care into whoſe hands we commit the
" management of the Commonwealth; and if we cannot
" have perſons of birth and fortune to be our rulers,
" to whoſe quality we would willingly ſubmit, I beſeech
" you, Sir, for our credit and ſafety's ſake, let us ſeek
" men, at leaſt, of parts and education, to whoſe abilities
" we may have ſome reaſon to give way. If a patient dies
" under a phyſician's hand, the law eſteems not that a fe-
" lony, but a misfortune in the phyſician; but it has been
" held by ſome, if one, who is no phyſician, undertakes

1658. " the management of a cure, and the party miſcarries, the " law makes the empiric a felon; and ſure, in all mens " opinion, the patient a fool. To conclude, Sir, for great " men to govern is ordinary; for able men it is natural: " knaves many times come to it by force and neceſſity, and " fools ſometimes by chance; but univerſal choice and elec- " tion of fools and knaves for government, was never yet " made by any who were not themſelves like thoſe they " choſe.

" But methinks, Mr. Speaker, I ſee ready to riſe after " me, ſome gentlemen that ſhall tell you the good ſervices " their new lordſhips have done the Commonwealth; that " ſhall extol their valour, their godlineſs, their fidelity to " the cauſe. The ſcripture, too, (no doubt) as it is to all " purpoſes, ſhall be brought in to argue for them; and we " ſhall hear of 'the wiſdom of the poor man that ſaved " the city;' of the not many wiſe, not many mighty: " attributes, that I can no way deny to be due to their " lordſhips. Mr. Speaker, I ſhall be as forward as any " man to declare their ſervices, and acknowledge them; " though I might tell you that the ſame honour is not pur- " chaſed by the blood of an enemy, and of a citizen; that " for victories in civil wars, till our armies marched " through the city, I have not read that the conquerors " have been ſo void of ſhame as to triumph. Cæſar, not " much more indulgent to his country than our late Pro- " tector, did not ſo much as write public letters of his vic- " tory at Pharſalia; much leſs had he days of thankſgiving " to his gods, and anniverſary feaſts for having been a " proſperous rebel.

" But, Sir, I leave this argument, and, to be as good " as my word, come to put you in mind of ſome of their " ſervices, and the obligations you owe them for the ſame.

" To

" To ſpeak nothing of one of my Lords Commiſſioners va- 1658.
" lour at Briſtol; nor of another noble lord's brave adven-
" ture at the Bear-Garden; I muſt tell you, Sir, that moſt
" of them have had the courage to do things, which (I may
" boldly ſay) few other chriſtians durſt ſo have adventured
" their ſouls to have attempted: they have not only ſub-
" dued their enemies, but their maſters that raiſed and
" maintained them; they have not only conquered Scot-
" land and Ireland, but rebellious England too; and there
" ſuppreſſed a malignant party of magiſtrates and laws.
" And that nothing ſhould be wanting to make them in-
" deed complete conquerors, (without the help of philoſo-
" phy) they have even conquered themſelves. All ſhame
" they have ſubdued as perfectly as all juſtice; the oaths
" they have taken, they have as eaſily digeſted as their old
" General could himſelf; public covenants and engage-
" ments they have trampled under foot. In concluſion,
" ſo entire a victory they have over themſelves, that their
" conſciences are as much their ſervants, Mr. Speaker, as
" we are. But give me leave to conclude with that,
" which is more admirable than all this, and ſhews the
" confidence they have of themſelves and us: after having
" many times trampled on the authority of the Houſe of
" Commons, and no leſs than five times diſſolved them,
" they hope, for thoſe good ſervices to the Houſe of Com-
" mons, to be made a Houſe of Lords.

" I have been over long, Sir, for which I crave your par-
" don; therefore, in a word, I beſeech you let us think it
" our duty to have a care of two things: firſt, that villainies
" be not encouraged with the rewards of virtue: ſecondly,
" that the authority and majeſty of the government of this
" nation be not defiled, and expoſed to contempt, by com-
" mitting ſo conſiderable a part of it to perſons of as mean
" quality as parts. The Thebans did not admit merchants

1658. " into government, till they had left their traffick ten years:
" ſure it would have been long before coblers and dray-
" men would have been allowed. Sir, if the wiſdom of
" this houſe ſhall think we have been hitherto like the
" prodigal; and that now, when our neceſſities perſuade
" us, (i. e. that we are almoſt brought to herd it with
" ſwine) it is time to think of a return; let us without
" more ado, without this motley mixture, even take our
" rulers as at the firſt, ſo that we can but be reaſonably ſe-
" cured to avoid our counſellors as at the beginning.

" Give me leave, Sir, to releaſe your patience with a
" ſhort ſtory from Livy. There was a ſtate in Italy, an
" ariſtocracy, where the nobility ſtretched the prerogative
" too high, and preſumed too much on the peoples liberty
" and patience; whereupon the diſcontents were ſo gene-
" ral, and ſo great, that they apparently tended to a diſſo-
" lution of government, and the turning of all things into
" anarchy and confuſion. At the ſame time, beſides theſe
" diſtempers at home, there was a potent enemy ready to
" fall on them from abroad, that had been an over-match
" for them when united; but now, in theſe diſorders, was
" like to find them a very ready and eaſy prey. A wiſe
" man, Sir, in the city, who did not at all approve of the
" inſolence of the nobility, and as little liked popular tu-
" mults, thought of this ſtratagem, to couzen his country
" into ſafety. Upon a pretence of counſel, he procured
" the nobility to meet altogether; which when they had
" done, he found means to lock the doors upon them,
" went away himſelf, and took the keys: then imme-
" diately ſummoned the people; told them by a contrivance
" of his, he had taken all the nobility in a trap; that now
" was the time to be revenged on them for their inſo-
" lencies; that, therefore, they ſhould immediately go
" along with him and diſpatch them. Sir, the officers of

" our

" our army, after a faſt, could not be more ready for the 1658.
" villainy than theſe people were: and accordingly they
" made as much haſte to the ſlaughter as their Lord Pro-
" tector could deſire. But, Sir, this wiſe man I told you
" of, was their Lord Protector indeed. As ſoon as he had
" brought the people where the parliament was ſitting, and
" when they expected but the word to fall to the butchery;
" Gentlemen, ſays he, though I would not care how ſoon
" this work of reformation were over, yet, in this ſhip of
" the Commonwealth, we muſt not throw the ſteerſmen
" over-board, till we have provided others for the helm.
" Let us conſider before we take theſe men away, in what
" other hands we may ſecurely truſt our liberty, and the
" management of the Commonwealth. And ſo he adviſed
" them before the putting down of the former, to bethink
" themſelves of conſtituting another houſe. He began and
" nominated one, a man highly cried up in the popular
" faction, a confiding man, one of much zeal, little ſenſe,
" and no quality; you may ſuppoſe him, Sir, a zealous
" cobler. The people, in concluſion, murmured at this,
" and were loth their fellow mutineer, for no other virtue
" but mutinying, ſhould come to be advanced to be their
" maſter; and by their looks, and murmurs, ſufficiently
" expreſſed the diſcontent they took at ſuch a motion.
" Then he nominated another, as mean a mechanic as the
" former; you may imagine him, Sir, a buſtling rude
" drayman, or the like: he was no ſooner named, but
" ſome burſt out a laughing, others grew angry and railed
" at him, and all deteſted and ſcorned him. Upon this a
" third was named for a Lordſhip, one of the ſame batch,
" and every way qualified to ſit with the other two. The
" people then fell into a confuſed laugh and noiſe, and
" inquired, if ſuch were Lords, who (by all the Gods)
" would be content to be Commoners? Sir, let me be
" bold (by the good leave of the OTHER HOUSE and
" yours)

1658. " yours) to aſk the ſame queſtion. But to conclude this " ſtory, and with it the OTHER HOUSE, when this wiſe " man I told you of, perceived they were now ſenſible of " the inconvenience and miſchief they were running into, " and ſaw that the pulling down their rulers would prove, " in the end, but the ſetting up their ſervants; he thought " them then prepared to hear reaſon, and told them, " You " ſee, ſays he, as bad as this government is, we cannot for " any thing I ſee, agree upon a better: what then if, after " this fright we have put our nobility in, and the demon- " ſtration we have given them of our power, we try them " once more, whether they will mend, and for the future " behave themſelves with more moderation?" The people " were ſo wiſe as to comply with that wiſe propoſition, and " to think it eaſier to mend their rulers, than make new. " And I wiſh, Mr. Speaker, we may be ſo wiſe as to think " ſo too."

The boldneſs of this ſpeech rouſed a ſurprizing ſpirit in the houſe; a ſpirit which terrified Richard Cromwell, and alarmed the principal officers of the army, who met, and formed a Council at Wallingford Houſe. The Parliament paſſed ſeveral votes againſt the Council, who then perſuaded Richard Cromwell to diſſolve the houſe; an action that immediately deſtroyed his government, which before had ſeemed ſo firmly fixed, that the † King's condition had never appeared equally hopeleſs and deſperate: for though a ſpirit had been raiſed among many of the members, the majority were for ſupporting him; and had carried the queſtion, that they would confer with the OTHER HOUSE as a part of the parliament. As ſoon as his proclamation for diſſolving them was iſſued out, from that minute no body reſorted to him; and thus the † ſon ſuffered himſelf to be

Parliament diſſolved.

Richard loſes his power.

† Lord Clarendon.

ſtripped,

ſtripped, in one moment, of all the greatneſs, and power, which the father had acquired in ſo many years, with wonderful courage, induſtry, and reſolution. 1658.

Conduct of the Wallingford Houſe party.

The government by a Protector being broken, the general Council of Officers (called the Wallingford Houſe party) aſſumed the adminiſtration; but they found it eaſier to deſtroy than to eſtabliſh a government. Theſe Officers were directed by Lieutenant General Fleetwood, Colonel Deſborough, and Major General Lambert, but principally by the laſt; who, though he had no employment at that time, in the army, was admitted into the Council, and, immediately after, into his old commiſſion. He had great reputation and intereſt in the army, which had induced Oliver Cromwell, through jealouſy, to deprive him of his command.

Parliament of 1653 reſtored.

The Officers not having ſettled their form of government, and having no foundation for their power but the ſword, were perplexed with a variety of counſels; and, at the ſame time, were alarmed with the deſigns of the Cavaliers and Preſbyterians at home, and the ſituation of affairs abroad; for France and Spain were negociating a peace at the Pyrenees. At length, they determined to reſtore the Old Parliament, though they were apprehenſive that "an "* opportunity would be given for more people to come "together, than would be for their benefit;" for all the ſurviving members of that Parliament would pretend a title to ſit there. In the declaration, therefore, which the Officers publiſhed, inviting the Old Parliament to meet again, they not only limited the Convention to ſuch members, who had continued to ſit from January 1648-9, to the 20th of April 1653, (which was the day that Cromwell, with the aſſiſtance of theſe very Officers, had forced them out of the

* Lord Clarendon.

houſe)

1658. houſe) but they ordered a guard, likewiſe, to attend, to keep out the other members.

1659. The next day after the declaration, the Speaker Lenthal, and about forty-three of the members went in a body to the houſe, where they came to a reſolution ‖, "to aſſert, "eſtabliſh, and ſecure the property and the liberties of the "people, both as men, and as chriſtians; and that without "a ſingle perſon, kingſhip, or houſe of peers; and to up-"hold a godly and faithful magiſtracy and miniſtry."

Divers of the members, who were formerly ſecluded by the violence of the Army, as Mr. Anneſley, (afterwards Earl of Angleſey) Sir George Booth, (afterwards Lord Delamere) Mr. Pryn, Mr. Montague, Sir John Evelyn, Mr. Hungerford, and others, offered to take their places; but, though they got, with ſome difficulty, into the lobby, and inſiſted on their privilege, the Officers denied them entrance into the houſe.

Council of State. The Parliament appointed a Council of State, conſiſting of thirty-one perſons, and to give the public an opinion of their impartiality, they in the firſt place * elected ſome who were not members of parliament, as Sir Anthony, Sir Horatio Townſhend, and ſome others; and then choſe twenty-one members to complete the number.

Sir Anthony creates diviſion in the Council. Though Sir Anthony did not * ſit in the Council, he found means to create and foment a diviſion amongſt them;

‖ Parliam. Hiſt. vol. 21, p. 380.

* Mr. Stringer ſays, that Sir Anthony did not ſit in this Council; and it appears, by a pamphlet called England's Confuſion, printed in the year 1659, that neither he nor Sir Horatio Townſhend ever ſat or acted in it.

being

being ſenſible that they would not be proper inſtruments for ſettling the peace of the nation. 1659.

The ſteps, which he had taken to break the forms of government by a Protector, and afterwards by the Army, were well known; and the reputation which he had hereby acquired fixed the eyes of the public upon him. Thoſe who were enemies to the Wallingford Houſe party addreſſed themſelves chiefly to Sir Anthony. Among others, General Monk, by a * letter, ſolicited his friendſhip and intereſt that no alteration might be made amongſt the of- Applied to by Gen. Monk.

* Honourable Sir,

IT is ſome trouble to me, that the firſt time I ſhould have occaſion to write to you, it muſt be to requeſt a favour at your hands. But I hope you will pleaſe to pardon this my incivility and boldneſs, and place me in the liſt of your friends; for I can aſſure you, I ſhall be as ready to ſerve you as any friend you have. Underſtanding that there is a committee appointed by parliament for the preſenting of officers, to be continued in the ſeveral regiments in England, Scotland, and Ireland; and being the officers here were, upon the firſt motion, moſt deſirous that the Long Parliament might be recalled to return to their former ſtation; I make it my requeſt unto you, that you will be aſſiſting that there may be no alteration amongſt the officers belonging to the forces here: for I ſhall deſire you to give credit herein; that you may be confident that there is not any you can employ will be more ready to ſerve the Commonwealth than they. But in caſe my requeſt for the whole cannot be granted, I ſhall entreat that the officers of my own regiment of horſe and foot, and Colonel Talbot's regiment, (a liſt whereof I have ſent incloſed) may be continued: they have uſually quartered neareſt me, and ſo are beſt known to me. I ſhall, alſo, deſire you will acquaint as many members of the houſe as you ſhall think fit, to engage in this buſineſs; by doing which you will very much oblige

Your humble ſervant,

DALKEITH, 4 June, 1659. GEORGE MONK.

For the Hon. Sir ANTHONY ASHLEY COOPER,
one of the Council of State, at Whitehall.

1659. ficers under his command. Sir Anthony, foreſeeing the uſe which might be made of Monk, to withſtand the power of the Army in England, engaged his friends in parliament to gratify the General in his requeſt. This conduct gave the Council of State a jealouſy of Sir Anthony. Mr. Scot, a few days after its eſtabliſhment, accuſed him of holding a correſpondence with the King, and Sir Edward Hyde: but, though he acted with ſo great zeal, vigour, and ſucceſs, for the Reſtoration, he never treated with the King or his miniſter; as appears by the letter he wrote afterwards to King Charles the Second, from the Tower.

Council of State jealous of Sir Anthony.

Inſurrections. The Parliament had been reſtored on the 7th of May 1659, and, in the latter end of July, they had intelligence of riſings in ſeveral counties. Sir George Booth raiſed a great body in Cheſhire; Lord Willoughby of Parham, and Sir Horatio Townſhend, did the ſame in Norfolk; and Sir Anthony had a large party engaged with him, and ready to appear at his ſummons in Dorſetſhire. But the undertaking being diſcovered, ſeveral perſons failing in their engagements, and Lambert having defeated Sir George Booth, Sir Anthony concealed himſelf, and his friends in Dorſetſhire diſperſed themſelves in time. However, he was ſoon taken, and brought to a ſtrict examination before the Council of State; where he ſo well defended himſelf, that they were obliged to releaſe him: and on September the 14th, 1659, it was reſolved by the Parliament †, "That this "houſe doth agree with the Council of State; and doth "declare, that Sir Anthony Aſhley Cooper is clear from "the accuſation laid againſt him; and that there is not any "juſt ground of jealouſy or imputation upon him."

† Parliam. Hiſt. vol. 21, p. 452.

Lambert,

Lambert, after he had defeated Sir George Booth, and the other forces under Sir Thomas Middleton, finding that he had a great intereſt among the troops, was ambitious of advancing himſelf by their aſſiſtance. To effect this, he promoted a petition to the Parliament; which was ſigned by the inferior officers of the army; in which they deſired that they might be governed, as all armies uſed to be, by a General, who might be amongſt them, and other officers, according to their qualities, ſubordinate to him; that Fleetwood might be their General, and Lambert their Major General. The addreſs was intitled *, "the humble petition and propoſal of the Officers of the Army, under the "command of the Right Honourable the Lord Lambert, in "the late northern expedition." Lambert knew that he could eaſily govern Fleetwood, and that, when neceſſary, he could ſet him aſide; by which the Army would be in his own diſpoſal. The Parliament, ſenſible of his deſigns, to prevent them, paſſed a vote †, "That to have any more "General Officers in the Army, than are already ſettled "by the Parliament, is uſeleſs, chargeable, and dangerous "to the Commonwealth." Soon after, they reſolved to diſcharge Lambert, Deſborough, Berry, and ſeveral others, and to appoint Fleetwood, Ludlow, Monk, Haſlerigge, Morley, Walton, and Overton, to be Commiſſioners to govern all the forces. This exaſperated Lambert and the other officers, who thought themſelves intitled to more favour, from their late ſucceſs againſt Sir George Booth; and having the ſword, and conſequently the power in their hands, they looked on every check and oppoſition to their demands and their intereſt, as an affront to them. On the 13th of October, they filled all the avenues to the houſe of commons with ſoldiers, and ſtopped the ſpeaker, and ſeve-

1659.

Lambert's ſchemes.

Conduct of Parliament.

Prevented from ſitting.

* Parliam. Hiſt. † Parliam. Hiſt.

1659. ral members. In this manner, they prevented the Parliament's ſitting; relying on the General Council of Officers, "to ſecure by the ſword the liberties of the people, "and the public peace of the kingdom." They eſtabliſhed a Council, which was called the Committee of Safety, conſiſting of twenty-three perſons; and inveſted them with more power than had been given to the Council of State. They appointed Fleetwood to be Commander in Chief, and Lambert to be Major General of all the forces in England and Scotland. Sir Anthony had too much ſagacity to neglect ſuch a criſis. He had lately obliged General Monk, in the point on which Monk had, by his letter, deſired his intereſt; and, upon that, had eſtabliſhed a correſpondence, and entered into a friendſhip with him. As he thought he might depend on Monk's ſecrecy, and knew his jealouſy with regard to the removal of his officers, he gave him notice, that the Committee intended a regulation among them; and adviſed him to prevent it, by marching directly with his forces towards the borders of England. Monk, not being one of the Committee, was the more diſſatisfied with their proceedings; and having this notice of their intentions, he reſolved to ſecure himſelf and his intereſt. For this purpoſe, he new modelled his army, impriſoned ſome of his officers, and caſhiered others, who were ſuſpected by him to favour the conduct of the Committee and the Army in England. In their places he put creatures of his own, and advanced towards the borders of England; but there he was forced to ſtop, becauſe Lambert was advancing againſt him with a ſtronger army. The two Generals, unwilling to truſt the whole ſucceſs of their cauſe to the hazard of a deciſive battle, agreed to a truce; whilſt Monk ſent the Colonels Wilkes, Cloberry, and Knight, to treat with Fleetwood and the Committee of Safety. Sir Anthony, apprehenſive of an union between Monk and the Committee, uſed his utmoſt endeavours to prevent it. After many attempts,

Committee of Safety.

Sir Anthony's advice to Monk.

Monk begins his march.

Treats with the Committee of Safety.

tempts, he procured a meeting between Monk's three commiſſioners, and himſelf and Sir Arthur Haſlerigge, at the Fleece Tavern in Covent-Garden. At this conference, they told him they had fully agreed with Fleetwood the day before, and ſettled the terms upon which Monk was to join with, and ſupport, the Committee of Safety. Sir Anthony repreſented to them the inſtability of ſuch a power as the Committee of Safety had, and the great danger to which Monk would expoſe himſelf in adhering to them; that, after having anſwered their views, and ſtrengthened their hands, he muſt ſoon expect to be laid aſide, and then ruined, though with more artifice, and by ſlower ſteps, than others who were leſs formidable to them; but that, if Monk would declare for the Parliament, he might depend on being General of all their forces. Sir Anthony ſhewed the commiſſioners the probability of ſucceſs in reſtoring the Parliament, by the intereſt which he himſelf had in the army about London; that Portſmouth, beſides, was at his diſpoſal; that Sir Charles Coote had aſſured him of ſix thouſand men from Ireland, upon the firſt notice; that Vice Admiral Lawſon, who commanded the fleet, was in the mouth of the river, and was his firm friend; and that Lord Fairfax, who had ſo great an influence on the ſoldiers, utterly abhorred the proceedings of the Council of Officers. Colonel Wilkes perſiſted, that they had, in General Monk's name, and by his authority, concluded a treaty, from which Monk ought not to recede: but Sir Anthony's diſcourſe had ſuch an effect on Cloberry and Knight, that they expreſſed their ſatisfaction at ſo fair a proſpect; and promiſed to uſe their intereſt with General Monk to break off the treaty, refuſe the terms which were offered him, and declare for reſtoring the Parliament. Whilſt the Commiſſioners were returning to the General, Sir Anthony was not inactive. He had engaged Colonel Whetham, the Governor of Portſmouth, with whom he was intimate, to deliver that place to him, or any friends he

1659.

Sir Anthony's endeavours to break the treaty.

Sir Anthony's activity for the Parliament.

1659. he ſhould appoint; and accordingly, Sir Arthur Haſlerigge and Colonel Morley, at Sir Anthony's deſire, went and took poſſeſſion of it, in the name of the Parliament; while Sir Anthony remained behind, with a commiſſion for being General of thoſe forces about London which were every day expected to revolt from the Committee of Safety. This was not conducted ſo ſecretly, but that ſome uncertain and dark notices of it were carried to the Committee; upon which Colonel Cooke was ſent by General Fleetwood to ſeize Sir Anthony, and bring him to be examined. The Colonel and General both treated him, as Sir Anthony acknowledged, with great civility. He quickly found, upon diſcourſe with Fleetwood, that they were in a miſtake, and their intelligence imperfect; that they apprehended he was to command the forces againſt them in the Weſt, which he aſſured them was not true. Then the General demanded, that he would act nothing to their prejudice; but this he refuſed, ſaying, he was a member of the Council of State, and greatly truſted by the Parliament, whom he would do his utmoſt to reſtore; and that they might give a looſer leave to ſpeak, when they were ſenſible he had no power: he knew the Committee had a great influence over the army; but they could not, perhaps, take a ſurer way to loſe that influence, than by ill treating him, and others their old friends, and fellow commanders: however, if they were apprehenſive of his intereſt in the Weſt, he would give them his word not to depart the City without their leave. This General Fleetwood accepted, and Sir Anthony was releaſed; but, immediately after he was gone, they gave orders for re-ſeizing him; and, at ten o'clock at night, a party of ſoldiers broke ſuddenly into his houſe, which they ſearched ſtrictly for him, but were diſappointed, he having removed ſome minutes before into the city. There he continued in ſecret, until he had engaged a great body of the citizens for the Parliament, and had procured the command of

Sir Anthony ſeized and examined.

of the Tower to be delivered to him, and all the army about London, both horſe and foot, to be drawn up in Lincoln's Inn Fields, though the field officers had not declared for the Parliament. 1659.

Theſe * ſchemes being thus happily concerted and executed; in order to complete the great work he had deſigned, he went down to the fleet, and there entirely fixed Vice Admiral Lawſon in the ſame intereſt; which appears by the following paragraph in Lord Clarendon: "That which "broke the heart of the Committee of Safety, was the re- "volt of their favourite Vice Admiral Lawſon; a man, at "that time, appearing at leaſt as much a republican, as "any amongſt them; as much an independent; as much "an enemy to the preſbyterians and to the covenant, as "Sir Harry Vane himſelf; and a great dependent upon Sir "Harry Vane; and one whom they had raiſed to that com- "mand in the fleet, that they might be ſure to have the "ſeamen ſtill at their devotion. This man, with his whole "ſquadron, came into the river, and declared for the Par- "liament; which was ſo unexpected, that they would not "believe it; but ſent Sir Harry Vane, and two others of "great intimacy with Lawſon, to confer with him; who, "when they came to the fleet, found Sir Anthony Aſhley "Cooper, and two others, members of parliament, who "had ſo fully prepoſſeſſed him, that he was deaf to all their "charms;" and told them, "that he would ſubmit to no "authority but that of the Parliament." Brings Admiral Lawſon over to the Parliament.

The Parliament met again at Weſtminſter, December 26, 1659, and on the ſame day appointed Sir Anthony, Colonel

* Mr. Locke gives ſome account of theſe tranſactions. Vide Appendix.

Alexander

1659. Alexander Popham, and others to be Commiſſioners for the command of all their forces; which gave Sir Anthony an opportunity to exert, in an extraordinary inſtance, his ſagacity and judgment. He immediately procured a meeting of the Commiſſioners; and having provided ſeveral clerks, theſe were employed the whole day in writing out orders, which were ſent that night to every field officer in Lambert's army, which Lambert had left, in order to go to Wallingford Houſe, upon the treaty with Monk's commiſſioners. In the preamble to the order, notice was taken of the reſtoration of the Parliament, the power they had delegated to the Commiſſioners, and the return of the army about London to their duty: the officers were, therefore, directed, upon pain of being caſhiered, immediately to march with their regiments to ſuch quarters as were aſſigned them; which were far enough diſtant from each other, or from the place wherein they lay. Thus Lambert's army vaniſhed in an inſtant, not one entire regiment diſobeying. Orders were, likewiſe, diſpatched that night to other places in England, where any troops were quartered, for theſe immediately to diſband; and proper authorities were ſent to ſuch perſons of eſtate and ability, as reſided near the troops, and could be truſted, to ſee the orders put in execution; which had, alſo, the effect intended; ſo great was the conſternation upon this ſudden and unexpected revolution †.

Contrives to diſſolve Lambert's army.

1659-60. January the 7th, 1659-60, upon a report from the committee of elections in favour of Sir Anthony, he was admitted to his ſeat in the houſe of commons; and on the 13th of January he was made Colonel of Fleetwood's regi-

† This paragraph is taken almoſt verbatim from a looſe ſheet of Lord Shafteſbury's manuſcript; for which reaſon Mr. Locke's account of the tranſaction is put in the Appendix.

ment

ment of horſe, which ſoon after declared for the Parliament. 1659-60.

Remarks on Sir Anthony's conduct.

It would be needleſs to detain the reader with long remarks on Sir Anthony's conduct. It is evident, that from the time of Richard Cromwell's parliament, at leaſt from the firſt eſtabliſhment of the Committee of Safety, he framed his ſcheme for the King's Reſtoration. He ſaw that the firſt ſteps to this muſt be dividing, and diſarming the officers, reſtoring the old parliament, and then obtaining a free one. As he formed his deſign with great penetration, he conducted it with ſteadineſs and activity. In purſuing this, he adapted himſelf to the different views and paſſions of ſeveral ſorts of men, but kept his own intentions ſecret. It was owing ſolely to his intereſt that Portſmouth was put into the hands of Sir Arthur Haſlerigge, whoſe view was only to reſtore the old parliament. He engaged the ſoldiers for it, and, likewiſe, ſecured the fleet. He worked up a ſpirit in the city, to declare for a free parliament; and by his policy broke the army, or, at leaſt, deprived them of the power of doing any immediate miſchief. With the ſame prudence, the ſame vigour, he purſued the other part of his deſign, viz. the procuring of a free parliament.

Sir Anthony encourages Monk to come to London.

Sir Anthony, ſoon after his conference with Monk's commiſſioners, ſent a letter, perſuading him to come to London, and aſſuring him he ſhould meet with no obſtruction in his march. This was ſubſcribed, likewiſe, by ſome others, who had been of the Council of State; but in his correſpondence with Clarges, who was hearty for the Reſtoration, Sir Anthony opened himſelf more freely, and ſhewed him that it was practicable. Monk, upon the invitation which he had received, marched to Newark, and the way being cleared for him by the diſperſing of Lambert's forces, he advanced with his army towards London. Monk's march.

1659-60. On the road he was addreſſed by Lord Fairfax and others, who intimated their deſire of ſeeing the ancient government reſtored. He received them with civility, but anſwered with great reſerve. Sir Arthur Haſſerigge, Mr. Scot, and others grew jealous and apprehenſive of him. They reſolved to check the power of one whom they thought ſo dangerous; and, therefore, offered to make Sir Anthony General of their forces, if he would march againſt him. Though Sir Anthony might have promiſed himſelf ſucceſs in the undertaking, Monk's army being ſmall, and his cavalry weak, he refuſed their offer, and told them, he had given Monk a promiſe of his friendſhip, which he would not break. This reduced him to a worſe ſtate with them than Monk was; for principles are leſs reconcileable than intereſts. They perceived his opinions to be repugnant to theirs, and from that time never conſulted with him.

Monk's arrival in London.

Upon Monk's approach, Sir Anthony, to complete his promiſe, and prevent any oppoſition, procured an order of Parliament, that the ſoldiers, in and about London, ſhould march forth, and make room for Monk; who immediately entered the town, and ordered them into diſtant quarters. The jealouſy which had been conceived of Monk, increaſing every day amongſt thoſe who were for an Oligarchy, they reſolved to put him upon ſome action, that would leſſen his intereſt in the city, and conſequently in the country. In order to this, Sir Arthur Haſlerigge and his party procured a meeting in the council-chamber at Whitehall, of ſuch perſons as they thought moſt attached to them, among the members of the Council of War, and Council of State. Sir Arthur himſelf carried the General to this aſſembly, who was no ſooner entered but the doors were ſecured, and a guard placed without, with expreſs orders that no one whatſoever ſhould be admitted. Neither Sir Anthony nor any

any friend of Monk's had the leaſt notice of this, till about an hour after the aſſembly had ſat; when an officer of the army, by accident ſeeing Sir Anthony and Mr. Weaver in a coach in Fleet-Street, acquainted them with it, apprehending it was upon ſome very important buſineſs, by the locking of the doors, and the orders that had been given to the guards; both which he (being then in the outward room) ſaw and heard. Upon this, Sir Anthony and Mr. Weaver haſtened to Whitehall; where the guards, out of reſpect to them, (being both of the Council of State) permitted them to knock, and call at ſeveral doors of the room; but they could have no admittance. They went immediately to Monk's wife, who was apprehenſive of ſome ill deſign, becauſe her huſband had no previous knowledge of that meeting; nor could ſhe be ſatisfied, till they returned with her to the council-chamber, where ſhe called aloud, that ſhe had buſineſs of great conſequence to impart to her huſband; but neither her authority nor artifice could prevail to have the door opened, or one word of anſwer returned from within. After this ſecond repulſe, they returned to her lodgings, and ſtayed there till the General came home, which was not before two o'clock in the morning. He brought with him more confuſion and diſturbance in his face, than was uſual in a man of his courage and reſolution: he told them, "that he did not like the proceedings "of the Council, for, taking a pretence from a ridiculous "attempt of ſome apprentices, and others in the city, ſome "days before, they had expreſsly ordered him to pull down, "that very morning, the gates, portculliſes, and chains of "the city, and to ſend ten of the principal citizens pri-"ſoners to the Tower."

1659-60.

Council's order to Monk, concerning the city.

Sir Anthony laid before him the ill conſequences which muſt attend ſuch an action; that he would loſe the hearts of all the well-meaning men in the city and nation; and be at

1659-60. the command of thoſe who evidently hated him. But, as the General was unwilling to come to an open breach with the Council and the Parliament, to whom he had publickly profeſſed his attachment; and who, by voting him out of his employment, might have forced him into a rupture with them, he replied, that, be it as it would, he could not now do otherwiſe than obey theſe orders: and he put them in execution the next day. The Parliament now thought it in their power to uſe him as they pleaſed, and accordingly, inſtead of making him General of all their forces, as had been promiſed him, they, by an ordinance, conferred the command of the army upon five Commiſſioners, or any three of them. Monk, indeed, was one; but Sir Arthur Haſlerigge and three more of Sir Arthur's friends were the reſt. The ſame evening General Monk returned to his lodgings at Whitehall; where Sir Anthony, and ſome others of his friends repreſented to him the condition into which he had brought himſelf, and the ſlight the Parliament had put upon him; ſo that his ruin was near, if he would not take ſome vigorous meaſures to prevent it. Their remonſtrances prevailed; and the next morning he marched into the city, and there wrote a letter to the perſons ſitting at Weſtminſter, ſigned by himſelf and fourteen of the principal officers of his Coldſtream regiment, demanding a full and free Parliament; and, by the importunity of Sir Anthony, Colonel Popham, Sir Edward Harley, and others, he repaired to Guildhall, where he gave the Lord Mayor and Court of Aldermen an account of what he had done; making an apology for what he had been compelled to the day before. The Lord Mayor and Citizens refuſed, at firſt, to put any confidence in him; till Sir Anthony, Colonel Popham, and their friends had prepared them for his reception, with an aſſurance that he was ſincere in what he was then proſecuting; of which they were afterwards ſo well ſatisfied, that the merit of his ſecond action eaſily atoned for the former.

He complies with it.

Declares for a free Parliament.

He

He was followed home to his quarters in the city with the greateſt acclamations, and with unuſual expreſſions of joy, which appeared by ringing of bells, bonfires, and roaſting of rumps, in deriſion of the Parliament. 1659-60. The joy of the citizens.

The people were ſo unruly in their joy, that, as Sir Anthony and Colonel Popham were going through the ſtreets, the mob ſurrounded the coach, and knowing them to be members, cried out with ſome rudeneſs, "Down with the "Rumps." * Sir Anthony looked out, and, ſmiling, ſaid to them, "What, gentlemen! not one good piece in a "Rump?" The mob, who were pleaſed with his humour, laughed at the jeſt, and attended him and the Colonel with loud acclamations.

The ſpirit which appeared in the city intimidated the Parliament. Upon the receipt, therefore, of the † letter from Monk and his officers, they preſently voted the filling up of their houſe; but they required ſuch ſtrict qualifications, that none, but thoſe who were zealous men of that party, could ſit amongſt them. By this they manifeſted their deſign of continuing the legiſlative power in themſelves, their friends, and their poſterities, inſtead of ſettling a government, that might be equal and juſt to the people, whoſe ſecurity muſt chiefly lie in having their repreſentatives accountable in ſome degree to them, by frequent elections. General Monk, likewiſe, was apprehenſive, that a Revolution might turn too faſt for him to preſerve the direction of it. He attached himſelf, therefore, to no party, but converſed indiſcriminately with men of different principles, that they might all depend upon him as their leader. He often convened numbers of them, to confer together, in his Parliament intimidated. Monk's reſerved conduct.

* See Stringer. † Whitlocke.

preſence,

1659-60. preſence, on the poſture of affairs; intermixing them as he thought fit, and keeping the world in great uncertainty; and, if ſome neareſt to him were not miſtaken, he himſelf was in equal uncertainty. Sir Anthony ſaw that the Parliament's intention was to perpetuate themſelves, and Monk's to fix his own power by their means; and being ſenſible that his deſign of reſtoring the King, could only be effected by breaking that Parliament, he purſued with ardor the reinſtating of the ſecluded members.

A deſign to impriſon Sir Anthony.

About this time, Colonel Markham informed Sir Anthony, "that he had juſt been with the General, and as he was going into his apartment, he met Sir Arthur Haſlerigge, "and Mr. Scot, coming out, whom he overheard to ſay, "that they would ſecure Sir Anthony Aſhley Cooper, before to-morrow noon: that he was afraid they had been "tampering with the General, and were come to ſome "agreement." Upon this intelligence, Sir Anthony went to Monk, told him frankly what he had heard, and preſſed him to be equally unreſerved. Monk, after much importunity, and ſome dark diſcourſe, owned what had paſſed between Sir Arthur Haſlerigge, Mr. Scot, and himſelf; and that he had engaged to return to his lodgings at Whitehall the next morning, to ſupport their intereſt, and obey the Parliament's orders. He did not deny that they had promiſed to make him General of all the forces; but aſſured Sir Anthony that he would take upon himſelf to make them HIS friends, and would have a particular regard to HIS intereſt. This was about five o'clock in the afternoon; when Sir Anthony left him, deſiring he might, at night, have a farther conference on that ſubject. Sir Anthony, before he went, gave Monk's wife an account of what had paſſed, adviſing her to ſend for her brother Clarges, as himſelf would for Colonel Cloberry, and Colonel Knight. Being met, they united their efforts, to perſuade the General to reſtore the

the ſecluded members; to which, after ſome hours debate, he conſented; and gave Clarges and Sir Anthony a commiſſion to ſummon them together at the Prince's lodgings in Whitehall, at nine o'clock the next morning; promiſing that they ſhould be conducted to the parliament houſe with honour, and ſafety. A conſiderable number accordingly aſſembled at the appointed place. This was tranſacted without the leaſt notice being given to the other party: for when Sir Arthur Haſlerigge came thither, expecting the General was returned as a friend, and found ſo many of the ſecluded members; with great reſentment in his countenance, he ſaid to Sir Anthony, "This is your doing, but "it ſhall coſt blood." Sir Anthony replied, "Your own "if you pleaſe; but Sir Anthony Aſhley Cooper will not be "ſecured this morning." General Monk coming forth, at that inſtant, into the great room, told Sir Arthur, who challenged his promiſe, that there was a neceſſity, for the public peace, to reſtore thoſe members; who had declared they intended no alteration of the government, and propoſed nothing farther than to pave the way for a new Parliament: and ſince there was no method of iſſuing ſummons, but by writs in the name of the Keepers of the Liberty of England by authority of Parliament, it could not be apprehended that any other government would be introduced. The ſecluded members being admitted, the Parliament repealed all the orders by which they had been excluded; renewed and enlarged the General's commiſſion; paſſed an act to diſſolve themſelves on the 17th day of March 1659-60, and to call another Parliament to ſit on the 25th day of April following. They, likewiſe, appointed a new Council of State, conſiſting of thirty-one perſons, viz. General Monk, Sir Anthony Aſhley Cooper, Colonel Popham, William Pierpoint, John Crew, Colonel Roſſiter, Richard Knightly, Colonel Morley, Lord Fairfax, Sir Gilbert Gerrard, Lord Chief Juſtice St. John, Sir John Temple, Lord Commiſſioner Widdrington,

1659-60.

Secluded members reſtored.

Act to diſſolve the Long Parliament.

1659-60. Widdrington, Sir John Evelyn, Sir William Waller, Sir Richard Onſlow, Sir William Lewis, Colonel Edward Montague, Sir Edward Harley, Colonel Norton, Arthur Anneſley, Denzil Holles, Eſqrs. Colonel George Thompſon, John Trevor, Sir John Holland, Sir John Potts, Colonel Birch, Sir Harbottle Grimſton, John Swinton, John Weaver, Eſqrs. and Serjeant Maynard.

Theſe were inveſted with power to act in all matters relating to the government, as well during the ſitting as in the intervals of Parliament.

The Parliament, about two days before the diſſolution, ordered the following engagement, viz. "I do declare "and promiſe that I will be true and faithful to the Com- "monwealth of England, as the ſame is now eſtabliſhed "without King or Houſe of Lords," to be taken off the file, and made void.

Scheme to make Monk Protector.

Sir Arthur Haſlerigge, Mr. Scot, and the chief of that party, concluded by this ſtep, that the Parliament intended to reſtore the King. Therefore, after they had privately conſulted with ſeveral officers of the army, they went to the General at Whitehall, and told him, that many of his friends were much troubled at what the Parliament had done, as it tended both to the ruin of him and the public; ſince it was evident, by what had been voted the day before, that the Reſtoration of the King was deſigned. They ſaid, that they found a Commonwealth was diſagreeable to the diſpoſition of the people, who were always bad judges of what was beſt for them: and, therefore, ſince a government by a ſingle perſon was neceſſary, there could not be one fitter than himſelf for that office; in which they had ground to believe the nation in general would concur with them.

The

The next day, they went to him again, and carried with them Monſieur Bourdeaux, the French Ambaſſador; who, after the others had uſed all their arts to perſuade Monk to take the * government, gave him aſſurances that Cardinal Mazarine was deſirous of his friendſhip, and would faithfully aſſiſt him. He repreſented to him what a glory it would be to dignify his family with the Empire of three kingdoms; in which attempt he might depend, not only on the Cardinal's friendſhip and aſſiſtance, but on a ſafe retreat, and honourable ſupport in France, in caſe he ſhould fail of ſucceſs. Monk's eyes were dazzled by the proſpect, and, at laſt, he conſented. 1659-60.

Great part of the night was ſpent in forming the ſcheme; and it was reſolved to ſecure Sir Anthony, and ſeveral others, who were likely to be moſt active in oppoſing the deſign. The General's wife, who had overheard part of the diſcourſe behind the hangings, ſent her brother Clarges to acquaint Sir Anthony with what had been concluded that night. He commended her prudence for making the diſcovery, as it might ſave her huſband and family; for Monk, he ſaid, had not quickneſs enough for ſuch an undertaking, and muſt certainly be ruined in the attempt.

Sir Anthony immediately ſent for thoſe members of the Council of State, who, he knew, would not favour the proceedings of Sir Arthur Haſlerigge, to meet by eight o'clock, at the council chamber at Whitehall ‖. Defeated by Sir Anthony and his friends.

* Lord Clarendon ſays, that Monk was offered all the authority of Cromwell, and the title of King.

‖ Mr. Locke gives an account agreeing in moſt circumſtances with the foregoing. Vide Appendix.

1659-60. At this meeting, Sir Anthony told the General he muſt be ſenſible that all the trials which had been made of new forms and methods of government, inſtead of providing a ſettlement or ſecurity for the people, produced only tyranny and oppreſſion; that it was impoſſible for England to be a free nation, under the government of an army, and the power of the ſword; that the fluctuations and revolutions muſt be endleſs, unleſs the ancient laws and conſtitution of the kingdom were reſtored, which could not be effected but by reſtoring the King; and that, ſince there muſt be a ſingle perſon, he, who had the beſt right to it, was fitteſt to be on the throne. Sir Anthony, alſo, told Monk, that though many perſons might think themſelves in danger by the Reſtoration, it would be his fault if there ſhould be any ſufferers; for he might bring in the King upon ſuch terms and conditions as would make every man ſafe, himſelf great, and the nation happy. In this, Sir Anthony ſaid they expected he ſhould aſſiſt them, and engage, upon his honour, that nothing ſhould divert him from it. Monk, apprehenſive that his deſigns were diſcovered, and being encompaſſed by a ſet of men, with whom, at that time, he was unable to contend, made no ſcruple to give them any aſſurances; and, as a proof of the ſincerity of his intentions, he conſented to change ſeveral commiſſions in the army.

Commiſſions in the army changed,

Sir Anthony made an immediate uſe of this conceſſion; for, being well acquainted with the characters of moſt of the officers, he drew up an * eſtabliſhment of the army, which reduced ſix regiments of foot, and one of horſe, and made a reduction in all the garriſon companies not regimented. By this, ſeveral officers were removed, and others,

* The rough drafts of this eſtabliſhment of the army and navy, in his own hand-writing, are among his papers, in the poſſeſſion of the preſent Earl of Shafteſbury.

who

who could be truſted, were put in their places. As he chiefly influenced the Council of State, who owed their being to him, they readily approved of it; and Monk could not diſſent, without renewing their jealouſy. 1659-60.

Sir Anthony ſettled, likewiſe, with great aſſiduity, the eſtabliſhment of the navy, the liſt of ſhips, and the ſeveral captains, with whoſe characters he was well acquainted. This he ſent to his friend, Admiral Montague, (afterwards Earl of Sandwich) for his approbation; who returned him the following anſwer. and in the navy.

" SIR,

" THIS evening I have received your commands, concerning an eſtabliſhment for the navy, which I ſhall obey as ſoon as poſſibly I can. I ſuppoſe it will neceſſarily require Monday's and Tueſday's time, to inform myſelf, and conſider about it, after which you ſhall receive a further account from

" SIR,

" Your moſt humble ſervant,

" E. MONTAGUE.

" Swiftſure, off Greenhive,
" March 24, 1659-60."

Sir Anthony, having taken theſe ſteps in relation to the army and the navy, obtained an ‖ order from the Council of State, that it ſhould be referred to himſelf, Mr. Holles, and five others, or any three of them, to " inform them- 1660. Orders relative to the Tower.

‖ The original order, ſigned John Ruſhworth, Clerk of the Council, is among Lord Shafteſbury's papers.

1660. "ſelves, what officers civil or military in the Tower of "London were dangerous, and not fit to be continued in "a place of ſo much importance:" and a few days afterwards, other orders were iſſued out, giving a power "to "remove from thence all ſuch perſons as were not actu- "ally employed in the ſervice of the State."

Monk favours the Reſtoration.

By modelling thus the army and the navy, and ſecuring the Tower, he provided againſt any future relapſe of General Monk. Monk ſaw this, and how ineffectual it would be for him to oppoſe or obſtruct the progreſs of the Reſtoration. When, therefore, he found the current of affairs turning ſo ſtrong that way, he had art enough to fall in with it, and preſerve, at leaſt, the appearance of ſteering the veſſel; the honour of which was naturally enough aſcribed to him, merely from his command, which made him the principal object in view.

Farther ſteps of the Council of State.

The Council of State took all the neceſſary ſteps for preſerving the public peace. They publiſhed a proclamation for preventing tumults and diſorders. They formed an engagement to be ſubſcribed by the officers of the army, whereby theſe were to acquieſce in whatſoever ſhould be done by the ſucceeding Parliament; and ſuch officers as refuſed to ſign were immediately diſplaced to make room for others, who would be more complying. They, likewiſe, cauſed the act to be put in execution for electing members for the new Parliament; and the people, being weary of the oppreſſions ariſing from ſo many changes of government, choſe ſuch repreſentatives as were thought to be well inclined toward the Reſtoration. Theſe meaſures being taken by the Council of State, the King (watchful to improve ſo favourable a criſis) ſent Sir John Grenville from Breda, with a declaration to be delivered to the Parliament at their meeting.

The

The new Parliament met upon the five-and-twentieth day of April, 1660. The Lords chose the Earl of Manchester, and the Commons Sir Harbottle Grimston, for their Speakers. On the first of May, Sir John Grenville delivered the declaration, with a letter from the King to the House of Lords; as, likewise, to the House of Commons. In these were ample assurances of "a general pardon, to all such as would "lay hold of it, within forty days, except those who should "be excepted by the Parliament; and a liberty was pro-"mised to tender consciences, and that none should be "questioned for difference of opinion in matters of religion, "which did not disturb the peace of the kingdom." The two houses, the same day, voted that the government ought to be in King, Lords, and Commons. 1660. Convention Parliament.

A select committee, of which Sir Anthony was one, was appointed to draw up an answer to the King's letter; and this answer was ordered to be kept by the clerk with such privacy, that no copy thereof might be taken by any person, till it had been communicated to the King. In this answer, were contained thanks to the King for his esteem of Parliaments, and his character of them, "that they were "so necessary for the government of the kingdom, that "neither prince nor people could be in any tolerable de-"gree happy without them." The Commons vindicated the honour of the last Parliament, and declared them innocent of King Charles the First's murder; it being only the act of a few ambitious and bloody persons. They said, that, after such an universal shaking of the foundations of government, great care must be had to repair the breaches; and much circumspection and industry used to provide things necessary for the strengthening of those repairs, and preventing whatsoever might disturb or awaken them: and since the King's own judgment had prompted to him the necessity of making the kingdom happy, by the advancement of

1660. of religion, the ſecurity of the laws, liberties, and eſtates of the people, and the removing all jealouſies and animoſities, they could not doubt of his effectual performance of thoſe things. Two days afterwards, the following commiſſioners were choſen to be ſent to Breda, viz. the Earls of Warwick, Oxford, and Middleſex, Lord Viſcount Hereford, Lord Berkley, and Lord Brook, for the Peers; Lord Fairfax, Lord Falkland, Lord Bruce, Lord Caſtleton, Lord Herbert, Lord Mandeville, Sir Horatio Townſhend, Sir Anthony Aſhley Cooper, Sir George Booth, Sir John Holland, Sir Henry Cholmly, and Denzil Holles, Eſq; for the Commons. Theſe were ordered to preſent the humble invitation, and ſupplication of the Parliament, "That his Ma-"jeſty would be pleaſed to return, and take the govern-"ment of the kingdom into his hands:" and on the 8th of May, the King was ſolemnly proclaimed, the ſpeakers and members of both houſes attending.

The King reſtored.

SECTION

SECTION VII.

The Life of Lord Aſhley, and his conduct in public affairs, from the Reſtoration, to the concluſion of the firſt Dutch War.

AS the Reſtoration was ſurprizing to the world, ſo it far exceeded the King's hopes; but, according to Mr. Locke, Sir Anthony had laid the plan of it ſome time before. This plan he had formed when all the forces, who had appeared for the King, were defeated, and when the Court abroad, and the Royaliſts at home, were totally diſpirited. Sir Anthony's conduct accounts for that uncertainty with which Lord Clarendon and other hiſtorians confeſs Monk to have acted; who, it is evident, was turned and directed by his policy, and fixed by his reſolution. 1660.

When Sir Anthony attended, with the other commiſſioners, at Breda, the King diſtinguiſhed him in a particular manner; and told him, "he was very ſenſible, with "what zeal and application he had laboured for his Reſto- "ration." As a proof that the King ſincerely thought ſo, Sir Anthony was one of the firſt perſons admitted into the privy council ‡. On the ninth of June, 1660, he was made Governor of the Iſle of Wight, and § Colonel of a regiment Honours conferred upon Sir Anthony.

‡ Vide Appendix.

§ Theſe two commiſſions, which are among Lord Shafteſbury's papers, are under the hand and ſeal of Monk, by virtue of an authority

1660. regiment of horſe. He was, likewiſe, made Chancellor of the Exchequer and Under-Treaſurer, and was appointed Lord Lieutenant of the county of Dorſet. Even whilſt the King was at Canterbury, before the coronation, he was created a Baron, by the title of * Baron Aſhley of Winburn St. Giles. In the preamble to his patent, the King farther acknowledged "the Reſtoration to be chiefly owing to "him; and that, after many endeavours to free the nation "from the evils, in which it was involved, he, at length, "by his wiſdom, and counſels, in concert with General "Monk, delivered it from the ſervitude under which it ſo "long had groaned."

Theſe employments and honours were conferred on him without any § application or ſecret addreſſes; and without his endeavouring to obtain any private articles for himſelf, before the King's coming over. Nay, from what paſſed between Sir Anthony and Monk, previous to the Reſtoration, it is plain that he had inſiſted with Monk, that the King ſhould be brought in upon proper terms. This, however, was prevented by the conflux of thoſe who had little merit, but in an abſolute reſignation to the crown; and who made the torrent too great to be reſiſted.

Lord Aſhley's generous conduct to the

Though Lord Aſhley had aſked nothing for himſelf, yet, from the favour to which his ſervices intitled him, he made

rity from the King: the laſt was probably for the regiment of horſe which had been Fleetwood's, and was given to Sir Anthony by the Parliament, March the 27th.

* He choſe this title purſuant to an article in his father's marriage with the only daughter of Sir Anthony Aſhley, "That if Sir John "Cooper or his heirs ſhould come to be honoured with the degree of "Peerage, they ſhould take that for their title."

Gibſon's Camden.

§ Vide Appendix.

a requeſt

requeſt to the King, which was a proof of the diſintereſtedneſs of his friendſhip, and the generoſity of his temper. 1660.

Wallop family.

The great eſtate of the Wallop family having been forfeited at the Reſtoration, Lord Aſhley exerted his intereſt with the King for a grant of it; and, when he might eaſily have obtained it for himſelf and his heirs, he only procured himſelf to be made a joint-ſharer with three other perſons of diſtinction, his particular friends, to whom the eſtate was granted for their lives, and to the ſurvivor of them for ever. The whole management of it was left to Lord Aſhley, but it was received and applied for the benefit of the family. On the 25th of June 1668, (one of the ſharers being dead) * he reconveyed his third part to the family, and four years afterwards, in July 1672, prevailed on the other two to follow his example; by which means an ancient and worthy family was preſerved from ruin.

He does ſervice to the Queen of Bohemia.

He did, likewiſe, ſome conſiderable ſervice to the Queen of Bohemia and her family, who had ſuffered much for the proteſtant cauſe. This appears by a ‡ letter from the Queen's eldeſt daughter, the Princeſs Elizabeth, (ſiſter to the Princeſs Sophia) who was diſtinguiſhed for her merit and underſtanding. What the particular ſervice was, is not mentioned; but probably he had exerted his intereſt in Parliament in the Queen's behalf, immediately after the Reſtoration, when two ſums, of ten thouſand pounds each, were voted to be preſented to her.

Contributes to the demolition of the

Lord Aſhley remembered how much he had ſuffered by the Court of Wards; the corruption and oppreſſions of

* The deeds of truſt and conveyance are ſtill extant among Lord Lord Shafteſbury's papers.

‡ Vide Appendix.

1660. which he perfectly well knew, the power it threw into the hands of the crown, and the miſchiefs it produced to the liberty of the ſubject. The removing of this grievance was one of the firſt things taken into conſideration, and chiefly by his intereſt, before the King came over; and a bill for that purpoſe was brought in, and paſſed into an act, ſoon after the Reſtoration. If this had been delayed till another year, it is probable that the King would not have relinquiſhed ſuch a ſupport of abſolute dominion; for he ſoon found the parliament more complying than his moſt ſanguine hopes could ever have ſuggeſted.

Court of Wards.

Views of the court.

Notwithſtanding that the Houſe of Commons ſhewed ſuch an eagerneſs for the King's Reſtoration, and gave ſuch proofs of affection to him at his return, yet it could not be depended on, to promote any extraordinary ſchemes of power: for many of the members had been in the Parliament of 1640, and though they were friends to monarchy, had been active to keep it within proper bounds. When, therefore, the firſt tranſports of their zeal and joy ſhould ſubſide, it might be naturally expected that they would revert to their old principles, and endeavour to preſerve the true balance of the conſtitution. The court, it is plain, ſuſpected this; but had too much art to diſcover the ſuſpicion. The King, in all his ſpeeches, was full of gentleneſs, mercy, and indulgence: he conſtantly expreſſed his obligations to perform his promiſe in the declaration from Breda; "upon "which, he ſaid the peace and tranquillity of the kingdom "intirely depended; and which if he had not made, he "was perſuaded, he had not been in England." He declared again, "that no man ſhould be diſquieted for dif-"ferences in opinion in matters of religion, which did not "diſturb the peace of the kingdom." He preſſed the forwarding of an act of indemnity, and oblivion; "which," he ſaid, "he would inviolably obſerve himſelf, and exact an "obſervance

"obſervance of from others." Yet, notwithſtanding theſe and many popular expreſſions, he diſſolved the Parliament, the 29th of December, ſeven months after his Reſtoration. The court believed that a new Houſe of Commons, choſen under the countenance of the King, would be more devoted to the crown; and it was not diſappointed. The people, who were charmed with the King's ſpeeches, generally choſe, in the hurry of their loyalty and zeal, ſuch members as were in the extreme for prerogative and hierarchy; and who, at the ſame time, were ambitious of preferment. 1660. Parliament diſſolved.

The want of ſettling proper terms with the King before the Reſtoration, as Lord Aſhley had propoſed to Monk, proved of the higheſt ill conſequence to the public, and laid the foundation for deſtroying the conſtitution more ſecurely: for whereas, from the King's deſpair of recovering the throne by his friends in England, and the neglect with which France and Spain had treated him, he would willingly have embraced any offers; the being admitted without conditions, raiſed his notions of his own power and the weakneſs of the people, to the greateſt height. The court immediately formed the deſign of extending and confirming the power of the crown, by means of the Parliament; inſtead of acting, as formerly, contrary to the ſenſe of it: and the new Houſe of Commons, as was expected, fell in blindly and precipitately into the ſcheme. The members ſeemed to act as if they thought that a negligence of the people's liberties was honourable to them. They were as willing to give, as the King was to take; and more ready to ſtrengthen and advance, than to weaken or confine any branch of his prerogative.

The King, who knew their diſpoſition, ſoon diſcovered his own: for, in his ſpeech at the opening of the Parliament, 1661. New parliament.

1661. May the 8th, 1661, instead of recommending any indulgence to tender consciences, as promised in the declaration from Breda, he expressed himself as follows *: "In God's "name, provide full remedies for any future mischiefs. Be "as severe as you will against new offenders, especially if "they be so upon old principles; and pull up those prin-"ciples by the roots."

Bills unfavourable to liberty.

The House of Commons, intent upon obeying the King's commands, immediately passed several bills, to enlarge and establish his power: among others, one for the safety and preservation of the King's person, by which it was made penal, to say that the King was a papist, or intended to introduce popery: another to impower him to dispose of the land forces: a bill for the well governing and regulating corporations: a bill for the uniformity of public prayer: a bill declaring the sole right of the militia to be in the King, and for the present ordering and governing the same: another against the quakers: and, to strike, indeed, at the roots of the principles of liberty, a bill was passed to restrain unlicensed printing.

Precipitation of the Commons.

These bills went through the House of Commons with great precipitation. The corporation bill was carried up to the Lords, July 6th, and the uniformity bill, July 10th; and the Commons were so impatient, that, three days afterwards, on the 13th, they sent a ‖ message to the Lords, to put them in mind of the dispatch of these two bills; and on the 16th, another message, for the dispatch of the corporation bill: but the Lords acted with more coolness and consideration than was agreeable either to the Commons or the Court.

* Journals. ‖ Lords Journals.

The

1661. Corporation Bill.

By the Corporation Bill, the King was enabled to appoint ſuch commiſſioners, as he ſhould think fit, in all cities, corporations, boroughs, and cinque-ports; and it was enacted, that three or more of thoſe commiſſioners ſhould have proper power to tender to all mayors, aldermen, &c. and other perſons, bearing any office, truſt, or employment in corporations, the oaths of ſupremacy; and this following oath, viz. "I A. B. do declare, and believe, "that it is not lawful, upon any pretence whatſoever, to "take up arms againſt the King; and I do, alſo, abhor "that traiterous poſition of taking arms by his authority, "or againſt thoſe commiſſioned by him. So help me "God."

The commiſſioners, any five or more of them, had a power to remove or diſplace any ſuch perſons as the major part did not approve of, notwithſtanding they had taken the oath, as the law required.

Oppoſed in the Houſe of Lords.

This bill met with great oppoſition in the Houſe of Lords; particularly from the Earls of Southampton, Mancheſter, Bedford, Leiceſter, and Bolingbroke; Lords Holles, Townſhend, Delamere, and Aſhley; as it was forcing men to ſwear to a belief of what was repugnant to the conſtitution, and the laws of nature. Lord Aſhley ſet forth the ill conſequences of the bill in various inſtances, viz. the injuſtice it might do to the wealthieſt, the moſt able, and the moſt conſcientious members of their reſpective corporations: the fixing theſe in the hands of, perhaps, the moſt profligate perſons in them; at leaſt, the dividing of the people into parties: and he ſhewed, that as it would be a reſtraint upon thoſe who had a regard to their oaths and their country, it was the moſt effectual method which could be contrived for lodging the executive power of the government in the hands of ſuch perſons as would make no difficulty of ſubjecting,

1661. jecting the whole nation to an abſolute tyranny, both of church and ſtate.

The great ſpirit with which ſome of theſe bills were oppoſed by ſo many of the Lords in employment, gave uneaſineſs to the projectors. The King, therefore, went to the Parliament, on the 30th of July, 1661, and told them, that, " he knew they had begun many bills, which could not be " finiſhed, till their meeting again; and, that they might " be finiſhed then, he forbore to make this a ſeſſions; but " was contented they ſhould adjourn to the 20th of Novem- " ber:" a very unuſual, if not unprecedented adjournment!

Parliament adjourned.

During the adjournment, reports were ſpread of a * plot in ſeveral counties; and many were taken up on theſe reports, and committed to priſon. When the Houſe met, on the 20th of November 1661, the King told them, that, " he knew the viſit he made them that day was not neceſ- " ſary, was not of courſe; yet, if there was no more in it, " it would not ſeem ſtrange, that he came to ſee the Lords " ‡ Spiritual and Temporal, and the Commons of England " met together." He took notice of " the activity of many " wicked inſtruments to diſturb the public peace;" recommending it to the Parliament, " to find proper remedies for

Meets again.

* Rapin is evidently miſtaken here; for he ſays, that, upon the ſole foundation of this plot, (which he proves to be a contrivance of the court) the corporation act and all the proceedings againſt the nonconformiſts were built; and that the project of the act of uniformity was now formed: whereas it appears, by the Journals, that both theſe acts were framed, and ſent to the Lords, before the adjournment, and before there was any ſuggeſtion of the plot. It is evident, that the rumours of the plot were only to perſuade the public that there was a neceſſity of paſſing thoſe laws, and to induce the Lords to it.

‡ Theſe were juſt reſtored to their ſeats.

" ſuch

" ſuch diſeaſes, and to oblige all men to a proper ſubmiſ- 1661.
" ſion;" and he concluded with recommending a good correſpondence between the two houſes.

Upon the return of the Commons to their houſe, Sir John Packington opened the ſcene; and declared, that great numbers were taken up in his county for the plot. Others ſupported him, and ſaid, " ſome laws muſt be made, both " to bring the nonconformiſts under ſtrict obedience or due " puniſhment, and to ſecure the executive power of the go- " vernment, in ſuch perſons, as ſhould not queſtion or diſ- " pute the commands of the Prince." A committee of both houſes was appointed, to examine into the plot; and they had power to ſit during the adjournments of Parliament. They made a ſtrict enquiry, but as there appeared no foundation for the reports, the public were much alarmed at their power; and, therefore, on the 7th of January 1661-2, (the firſt day of the Parliament's meeting after the Chriſtmas holydays) Lord Clarendon * reported to the Houſe of Lords, " that the committee of both houſes had met ſeveral times, " during the adjournment, and conſidered of the buſineſs " referred to them; but, finding ſome imaginary jealouſies " of the end and intent of the committee's meeting, they " had come to no reſolutions, but thought fit to leave the " buſineſs to both houſes." Upon this, the Lords immediately demanded a conference with the Commons, and declared the committee diſſolved. The noiſe of the plot was, however, kept up for ſome time; but it dropped, without the proſecution of one ſingle perſon, as ſoon as the uniformity bill was paſſed by the Lords.

Proceedings of the Parliament.

Committee to enquire into the plot.

1661-2.

In this was the ſame oath as in the corporation bill. It went very ſlowly, and with great difficulty, through the

Uniformity Bill.

* Lords Journals.

Houſe

1661-2. Houſe of Lords; which alarmed the Commons ſo much, that, on the 16th of December, they ſent a meſſage to the Lords, to put them in mind of it; as, likewiſe, of the corporation bill; the bill concerning quakers; and the bill concerning printing. The corporation bill, after a warm debate, was paſſed, and received the royal aſſent, the 20th of that month. On the 28th of January 1661-2, the Lords received another meſſage from the Commons, to remind them of the uniformity bill; but this bill was warmly debated, and ſtrongly oppoſed, as being repugnant to the King's declaration from Breda. The Lords made ſeveral amendments to it, and declared that the King ought to adhere to his promiſe of liberty to tender conſciences. But the Commons, in a conference with the Lords, upon the amendments ſaid, that "the * King could not, in that engagement, underſtand the miſleaders of the people, but "the miſled; that it would be very ſtrange to call a ſchiſmatical conſcience a tender conſcience; that a tender "conſcience denoted an impreſſion from without, received "from another, and that upon which another ſtrikes." This was a conſtruction unworthy of a ſchool, much more of a Houſe of Commons; and it was made only to ſupport a ſhameful eluſion of a royal promiſe, given under a parliamentary ſanction. The Earl of Southampton and Lord Aſhley were remarkably ſtrenuous againſt ſeveral clauſes; and the former, being told, "that it was believed, he had "ſpoken three hundred times againſt the bill," anſwered, "that he was ſo firmly perſuaded of the fatal conſequences "of it, that he would have ſpoken three hundred times "more, to have prevailed."

Scheme to erect a new Court, like

While this bill was depending in the Houſe of Lords, an attempt was made in that houſe, to ſtrengthen the hands of

* Lords Journals.

the

the King, by erecting a Court, like the Star-Chamber. This name was ſtill diſtaſteful to the people, who had not forgotten the oppreſſions and injuſtice of that court. It was, therefore, thought proper to eſtabliſh a new one, and under the authority of Parliament: for, on the 8th of February 1661-2, a * committee (which had been appointed to conſider of a bill, for repealing all the acts made in the Parliament which began on the 3d of November 1640) reported to the houſe, "that they were of opinion, that it "was fit, for the good of the nation, that there ſhould be "a Court of like nature to the Court called the Star-Cham-"ber; but they deſired the advice and direction of the "Houſe in the following particulars. 1661-2. the Star-Chamber.

"1ſt. Who ſhould be judges.

"2dly. What matters they ſhould judge of.

"3dly. By what manner of proceedings they ſhould act."

But the Houſe not thinking proper to give any directions therein, the ſcheme proved abortive.

A bill was paſſed by the Commons, and ſent up to the Lords, this ſeſſion, for regulating the forces in the ſeveral counties of the kingdom. By this bill, the lords lieutenants, deputy lieutenants, &c. were obliged to take the ſame oath as mentioned in the corporation act, with the addition of theſe words; "In purſuance of ſuch military "commiſſions." This bill (which, as an † author obſerves, was to eſtabliſh a ſtanding army by law, and ſwear Bill to regulate the forces.

* Lords Journals.

† A letter from a perſon of quality to his friend in the country.

LOCKE'S POSTHUMOUS WORKS.

1661-2. us into a military government) was, likewiſe, vigorouſly oppoſed by the Earl of Southampton, Lord Aſhley, and other lords. The committee to whom it was referred, and of which Lord Aſhley was one, reported their opinion, that the clauſe with the oath ſhould be omitted; but it was carried in the houſe for the clauſe by two votes. The Lords had ſeveral conferences with the Commons, upon amendments which had been made to this bill; and in theſe conferences, Lord Aſhley was conſtantly a manager; as were the Earl of Southampton, the Lord Privy Seal, Lord Wharton, and Lord Holles.

1662. Thus early was the deſign laid, and carried into execution, for inveſting the King with undue power, and reſtraining the liberty of the ſubject. Few laws were paſſed but what conveyed an additional ſtrength to the prerogative. Lord Aſhley, in his oppoſition to theſe, acted upon the ſame principles, which he always maintained; and if, when he was Chancellor of the Exchequer, he oppoſed the arbitrary deſigns of the Court in Parliament, it cannot be doubted but that he acted with the ſame ſpirit in Council. One inſtance of this will appear in the following account of the ſale of Dunkirk.

Account of the ſale of Dunkirk.

At the cloſe of the ſeſſion of Parliament, May 19th, 1662, in the ſpeech delivered by Lord Chancellor Clarendon, the great importance of Dunkirk was ſet forth in the following remarkable words*: "Whoever unſkilfully murmurs at "the expence of Dunkirk, and the other new acquiſitions, "which ought to be looked upon as jewels of an immenſe "magnitude in the royal diadem, does not enough remem-"ber what we have loſt by Dunkirk, and ſhall always do, "if it were in an enemy's hands."

* Lords Journals.

This

This must have been said only to amuse the public; for, notwithstanding that Lord Clarendon expressed so right a sense of the great advantage of Dunkirk to the crown of England, he soon after advised the King to sell it to the French; and, even in the next month, he sent one * Mr. Bellings, (in whom he put an intire confidence) to the Count d'Estrades, who had lately been ambassador in England, to open the affair. On the 27th of July following, the Count, who

1662.

Lord Clarendon's conduct in that affair.

* This Mr. Bellings had been intrusted by Lord Aubigny, two years before the Restoration, to propose to King Charles the sending of the Duke of Glouceſter to Rome, to be instructed in the roman catholic religion. After the fate of Dunkirk, he was sent to § Rome, ~~ofoli cit~~ a cardinal's hat for Lord Aubigny.

Monsieur,

Faisant souvent reflection sur quelques particularitez des conferences que nous avons euës ensemble, & trouvant le roi mon maître dans la disposition de donner toutes sortes de preuves du desir qu'il a d'etreindre le noeud de l'amitié qu'il avec sa majesté très chretienne, je fais entreprendre ce voyage à Monsr. Bellings, que vous sçavez être dans ma confidence, pour vous communiquer mes sentimens. Je vous prie de lui ajoûter foi, et de croire que je suis très veritablement,

Monsieur, &c.

LE COMTE DE CLARENDON.

Lettre de M. le Comte de Clarendon à Monsr. le Comte d'Estrades, de Hampton Court, le 29 Juin, 1662, p. 279.

Je dois fair remarquer à vôtre Majesté, que Monsr. Belling a eu beaucoup de part dans toute la conduite de cette negociation, et j'estime qu'elle trouvera juste quelque marque de sa bonté; si elle jugeoit à propos d'en charger mon courier, je lui donnerois devant que de partir d'ici; et aussi avant qu'il parte pour Rome, où il va soliciter le chapeau pour M. d'Aubigny, et rendre l'obedience de la Reine d'Angleterre.

Lettres du Comte d'Estrades au Roi de Londres, le 27 Octobre, 1662. P. 359.

§ Thurloe's State Papers, vol. i. p. 740. 744.

1662. was at Calais, in his journey on an embaſſy to Holland, received a ‡ letter from King Charles, and another from Lord Clarendon, inviting him to come over without delay into England. The King told him, it was to ſettle an affair, which the Chancellor had propoſed; and that he had ordered his brother's yacht to attend him. Count d'Eſtrades immediately came over; and Lord Clarendon, without the conſent of the Privy Council, directly propoſed to him the ſale of Dunkirk, with all its artillery, ammunition, and dependencies. He informed the Count that "* the firſt "thought of this treaty came from him; that it proceeded "from the neceſſity of affairs in England; and that no one "elſe was of his opinion, but the King and the Duke of "York." Lord Clarendon could only mean the neceſſity of the King's private affairs; for the Parliament had liberally and cheerfully given whatever the King could expect for his ſupport, and the exigencies of the government. But whether he alluded to the weakneſs of the State, or of the King, it was a diſcovery highly unjuſtifiable, for a chancellor, and miniſter, to make to a foreign power; and extremely imprudent in carrying on a bargain with that power.

His negociation with d'Eſtrades.

When this neceſſity was urged by Lord Clarendon to Monk, (now Duke of Albemarle) the Earls of Southampton, and Sandwich, as an argument for the Council's approving

‡ D'Eſtrades' Memoirs, p. 280, 281.

* A tout cela le chancelier ajoutoit, que la penſeé de ce traite etoit venuë de lui, qu'il ne me deguiſoit point que la neceſſité des affaires d'Angleterre la lui avoit donnée.

Qu'il etoit ſeul dans ce ſentiment avec le Roi & M. le Duc d' York.

Lettre du Comte d'Eſtrades au Roi de Londres, le 17 Août, 1662. P. 286.

the

the ſale, they wiſely anſwered, that there was † " an ex- 1662.
" pedient to keep the place, and eaſe the King of the ex-
" pence of maintaining it; which was to put Dunkirk
" under the authority of Parliament; by which the public
" would always be charged with the expences of ſupporting
" it; and the King, nevertheleſs, would remain maſter
" of it."

Lord Clarendon told the Count (in order to raiſe the terms of the ſale) " that if the Parliament, at their meet-
" ing, ſhould approve of this expedient, there would be
" no returning to ſuch a treaty as had been propoſed; for
" which reaſon there was no other time to do it, but during
" the receſs of Parliament."

Lord Clarendon acquainted the Count, at another conference, that * " neceſſity only obliged the King to part
" with Dunkirk; that, as from the beginning he had no
" fear

† Ils avoient offert un expédient pour la conſerver & pour ſoulager le Roi de cette dépenſe, qui étoit de remettre cette place ſous l'autorité du Parlement qui en avoit été ſeparée juſqu'à préſent, parce qu'en ce cas il ſe chargeroit de toutes ces depenſes & le Roi n'en ſeroit pas moins le mâitre; que ſi cela arrivoit & que l'on fût forcé d'accepter cet expédient, il n'y avoit plus de retour pour un traité comme celui qui ſe propoſoit; pour lequel il n'y avoit que l'intervale à prendre de la ſeparation du Parlement.

Do. le 17 Août, 1662. P. 286.

* Il me redit encore, que la ſeule néceſſité obligeoit le Roi ſon mâitre à cette affaire de Dunkerque, qu'il n'avoit pas craint dès le commencement de me faire cette confidence, parce qu'il traitoit avec moi comme avec un ami du Roi d'Angleterre, & le miniſtre d'un grande Prince ſon allié, du quel il ne ſe méfioit pas; qu'en l'une & l'autre qualité il m'avouëroit qu'il avoit quatre expediens à prendre ſur l'affaire qu'il m'avoit propoſée. Le prémier de traiter avec les Eſpangnols qui lui faiſoient préſentement tout offrir pour cette place. Le deuxiême avec les Hollandois qui en donneroient des ſommes immenſes,

1662. " fear of putting this confidence in him, he would treat " with him as a friend of the King of England, and mini- " ſter of a great Prince his ally, whom he would not in the " leaſt diſtruſt: That, in one, or the other quality, he " would own to him, that he had the choice of four expe- " dients in this affair; the firſt was to treat with Spain, " which had already made vaſt offers for the place; the " ſecond was to treat with the Dutch, who would give im- " menſe ſums for it; the third was to put it in the hands " of the Parliament, who would charge themſelves with " the expence, and leave the government of it in the King; " and the fourth was to agree with the King of France; " which laſt had appeared to him moſt juſt, and moſt for " the intereſt of the King his maſter."

He afterwards ſaid, * " it was his opinion, after all, that " a preſent ſhould be made of it to the French King, and " the recompence left to his liberality; but, as he had " not the ſole direction, and was obliged, for his own ſake, " to conduct himſelf carefully in ſo delicate an affair, he " was under a neceſſity of concealing his own ſentiments, " and ſeeming to adhere to thoſe of others, that he might " not be thought the principal promoter of the treaty."

Le 4me de la remettre entre le mains du Parlement, qui ſe chargeoit de toute ſe dépenſe, & qui laiſſeroit pourtant au Roi le même autorité qu'il y a à preſent, & le 4me d'accommoder vôtre Majeſté, que ce dernier lui paroiſſoit plus juſte, & plus convenable aux interêts du Roi ſon mâitre.

Do. le 21 Août, 1662. P. 302.

* Que ſon ſentiment avoit êté aprés cela d'en fair une preſent à vôtre majeſté, & de laiſſer dépendre la récompence de ſa libéralité, Mais que comme il n'etoit pas le maître, & qu'il avoit un notable intérêt de ſe ménager dans une affaire ſi délicate que celle-ci, il étoit obligé de cache ſes ſentimens, et de paroître adhérer à ceux des autres. Afin de n'être pas pris pour le principal promoteur du traité.

Do. le 21 Août, 1662. P. 303.

All

All the reſt of the Council, except the Duke of York, were againſt the ſale. It is evident, therefore, that by Lord Clarendon's care to conceal his own ſentiments, and his ſeeming to be of their's, the King was to be looked on as the great mover of the treaty, in order to ſcreen the Chancellor: an unworthy artifice in a miniſter, to put his Prince upon a wrong and unnatural action, and ſhelter himſelf, at the ſame time, under the opinion of thoſe who oppoſed it. 1662. The Council oppoſe the ſale of Dunkirk.

Lord Clarendon had before told the Count d'Eſtrades, that * "he would not lay any great ſtreſs on the offers "made by the King of Spain; becauſe the King had reject-"ed them purely from his ardent deſire to enter into a "cloſe alliance with his maſter." The treaty carried on.

The French King, though he was impatient to be in poſſeſſion of Dunkirk, and † ſhewed the Count d'Eſtrades his unwillingneſs that it ſhould continue in the hands of England, affected, as did his miniſter likewiſe, a great coolneſs in the tranſactions; whilſt, from his knowledge of King Charles's neceſſities, he reduced him to very low terms in the ſale. At the ſame time, he purſued his point every way, by engaging the Duke of York in his intereſt, and by ‡ preſents to the Dutcheſs, Lord Clarendon's daughter.

* Qu'il ne me vouloit point faire valoir les offres que faiſoit l'Eſpagne là deſſus, parce que le Roi ſon maître les avoient toutes rejettée, dans la paſſion qu'il avoit de ſe lier étroitement avec vôtre Majeſté.

Do. le 17 Août, 1662. P. 287.

† Pour mon intérêt la dite place ſeroit mieux entre les mains des Eſpagnols, ou des Hollandois, ou démolie, qu'elle n'eſt préſentement pour pluſieurs raiſons qui'l eſt ſuperflus de dire.

Lettre du Roi à Monſieur le Comte d'Eſtrades de St. Germain en Lay, le 27 Août. P. 310.

‡ Count d'Eſtrades' Memoirs, p. 315.

Lord

1662. Lord Clarendon, being apprehenſive, from the ſeeming coolneſs of the French King and Count d'Eſtrades, and from the low offers made by them, that they did not ſet a juſt value on Dunkirk, " * endeavoured to make the " Count ſenſible of the great importance of the place, " with regard both to its ſituation and harbour, by which " it had acquired ſo great a name; and he magnified the " advantages which the French King would draw from " thence, if he ſhould have any deſign to puſh his con- " queſts in Flanders." It is ſurprizing that any Engliſh- man, much more that a miniſter of ſtate, who had the leaſt ſuſpicion of the French King's deſigns upon Flanders, ſhould promote ſuch a ſale, and even uſe that as an argument to induce him to be a purchaſer.

Commiſſioners appointed. On the 1ſt of September, a Commiſſion was ſigned by the King, impowering Lord Clarendon, the Earl of Southampton, the Duke of Albemarle, and the Earl of Sandwich, to adjuſt, conclude, and ſign the treaty with the Count d'Eſtrades, for the ſale of Dunkirk and its dependencies; but the three laſt, and the reſt of the Council, ſtrenuouſly oppoſed the ſale; and threw all the difficulties they could in the way. Count d'Eſtrades informed his maſter, in a letter dated October 27, 1662, the day the treaty was ſigned, that " the † Chancellor had a great deal to bear " with

* La deſſus il s'étendit encore à me faire voir l'importance de cette place, par ſa ſituation & ſes ports, qui lui avoient acquis dans les tems paſſe une ſi grande reputation; et à m'exaggéroit les advantages que vôtre majeſté en pouvoit tirer, s'il arrivoit jamais qu'elle eût quelque deſſein à pouſſer ſes conquêtes dans la Flandre.

Lettre du Comte d'Eſtrades au Roi de Londres, le 21 Août, 1662. P. 303.

† Je ne dois pas omettre que le Chancélier eſt celui de tous qui a eu le plus à ſouffrir pendant les conteſtations qui ont été formés par tout

" with, during the conteſt which had been raiſed by all 1662.
" the Council, and, eſpecially, by the three Commiſſioners
" joined with him: that they had urged ſuch reaſons againſt
" the treaty, that even the King and the Duke of York
" would have been ſtaggered with them, if the Lord Cla-
" rendon had not taken care to confirm them in the firſt
" reſolution: that he was now looked upon as the ſole au-
" thor of the treaty: that his enemies, and all the Spaniſh
" cabal attacked him upon his conduct in this affair; and
" talked openly, that, having made great miſtakes in the
" King's marriage with the Infanta of Portugal, which
" had been concluded without any aſſurance before-hand
" of aſſiſtance from France, he had, in like manner, been

tout le Counſeil ſur cette affair. Les commiſſaires ſont ceux qui ont le plus travaillé à la rompre, & l'on peut dire que les raiſons alleguées pour cela ont été ſi fortes, que le Roi d'Angleterre & le Monſieur le Duc d'York en auroient été ebranlez s'il n'avoit pris ſoin de les maintenir dans le prémiéres reſolutions. Cela a parû preſque à toute la cour, & de là je pris mon occaſion de m'en prendre à lui comme au ſeul auteur du traité. Ses ennemis & toute la cabale d'Eſpagne ont attaqué là deſſus ſa conduite & prôné hautement que comme elle avoit été mal entenduë ſur la marriage du Portugal, en ce qu'il avoit été fait ſans s'aſſurer auparavant de la protection de la France de même il paroiſſoit imprudent en cette occaſion parce qu'il abandonnoit Dunkerque ſans auparavant être aſſurée de cette liaiſon étroite qu'il ſe vantoit que devoit produire ce traité avec vôtre majeſté; que quand la France ſe verroit maitreſſe de cette place ſans aucune ſtipulation d'engagement particulier avec l'Angleterre, elle ne ſe tiendroit obligée qu'à des bienſeances qui ne l'embarqueroient à rien; que comme ſon intérêt ſeul l'avoit engagé à la premiere affaire pour ſe vanger du mauvais traitement qu'il avoit recû des Eſpagnols, & de la crainte où il étoit d'être ſupplanté par leur cabale auſſi la ſeule conſidération & l'interêt, qu'il trouvoit à s'appuyer de la France lui faiſoit oublier les veritable intérêts du Roi ſon maître, & lui faire ſacrifier pour cela une place qui valoit plus pour la reputation de l'Angleterre, & pour ſa conſidération à l'égard des étrangers, que tout l'Irelande.

Lettre du Comte d'Eſtrades au Roi de Londre, le 27 Oct. 1662. P. 352.

1662. " as imprudent on this occaſion, becauſe he had aban-
" doned Dunkirk, without being certain of that ſtrict alli-
" ance he boaſted this treaty would produce: that when
" the French King ſhould become maſter of Dunkirk, with-
" out any ſtipulation or particular engagement with Eng-
" land, he would not think himſelf obliged to any thing
" more than a common ſhew of civility, which would not
" bind him to any thing: that, as it was the Chancellor's
" intereſt which had engaged him in the firſt affair, that he
" might be revenged for the ill treatment he had received
" from Spain, and his fear of being ſupplanted by the
" Spaniſh cabal; it was, likewiſe, this conſideration, and
" his own advantage, which made him apply to France,
" forgetting the true intereſt of the King his maſter, and
" ſacrificing a place which, with regard to the honour of
" England, and her foreign concerns, was of more value
" than even Ireland."

The Count d'Eſtrades, in the ſame letter, told his maſter, that " * this extraordinary proceeding had convinced him, " that the King of England was abſolutely bent upon gain-
" ing his friendſhip; that he knew it was uſeful to him;
" that the Chancellor had kept him warm in this opinion,
" for his own particular intereſt; and that for this reaſon
" chiefly, the Duke of York would viſit his Majeſty at Dun-

* Ce procédé extraordinaire me perſuadoit, que le Roi d'Angleterre veut abſolument l'amitie de vôtre majeſté, qu'il connoit qu'elle lui eſt utile; que le Chancélier l'échauffe à cela même pour ſon intérêt particulier; & que c'eſt pour cette ſeule raiſon principalement, que Monſieur le Duc d'Yorke vient voir vôtre majeſté à Dunkerque, pour lui en faire de plus fortes proteſtations; & je crois qu'il ſera chargé par le Chancelier de quelques avis, qui ne nuiront pas aux deſſeins qu'elle pourra avec le tems former ſur la Flandre.

Lettre du Comte d'Eſtrades au Roi de Londre, 27me Octbre, 1662. P. 353.

" kirk,

" kirk, to give the more ſtrong aſſurances of his regard to " him; that he believed the Duke would be intruſted by " the Chancellor, with ſome advice, which would not preju- " dice the deſigns his Majeſty might form in time againſt " Flanders." 1662.

The treaty greatly diſliked.

* After the treaty was ſigned, and publicly known, the clamours againſt it were very great, not only among the miniſtry, but the people. The principal part of the merchants of London went up to Whitehall with complaints, that it would become a neſt of pirates. The Chancellor told the Count d'Eſtrades, " that it was publicly ſaid, that " the French King, when once in poſſeſſion of Dunkirk, " would eaſily forget the deſire, which the King of Eng- " land had ſhown of obliging him: that this had raiſed " great complaints againſt him, which had given him to " underſtand, that the King would neither be ſupported by " the Parliament, nor his people, in caſe the affair ſhould " produce any commotions:" and he told the Count d'Eſ- trades, " that, as he had the greateſt part in the manage-

* Après que le traité a été ſigné, M. le Chancélier me dit, que le bruit étoit plus grand que jamais dans la cour & parmi le peuple, que vôtre majeſté oublieroit aiſement le déſir que le Roi d'Angleterre avoit eu de l'obliger, quand elle ſe ſerroit en poſſeſſion de Dunkerque, & que cela avoit déja excité des murmures contre lui; qu'ils lui faiſoient même entendre, qu'il ne recevroit aucun ſecours du parlement ni de ſes peuples en cas que cette affaire vint à produire quelque diſordre en Angleterre; & que comme il y avoit plus de part que perſonne il en recevroit auſſi le plus grand blâme, et peut être le premier reproche du Roi ſon maître; que pour le mettre à couvert de cette crainte, il ſeroit infiniment obligé à vôtre majeſté, ſi elle vouloit lui écrire une lettre, pour lui temoigner un honnête reſſentiment de la maniére obligeante dont il en avoit uſé, & en même tems venir à des offres civiles ſur toutes les ſuites fâcheuſes, que pourroit avoir cette affaire, que n'engageroient à rien, mais que ne laiſſeroient pas de produire un bon effet.

Do. le 27me Octbre, 1662. P. 359.

1662. " ment of it, he ſhould chiefly bear the blame; and, per-
" haps, find his maſter the firſt to reproach him: that to
" ſecure himſelf from this, he ſhould be extremely obliged
" to the King of France, if he would write a letter, teſti-
" fying the kind ſenſe which he had of his conduct; and if
" he would ſend, at the ſame time, civil offers of aſſiſtance,
" in caſe of any unhappy conſequences; offers, which
" would not oblige the French King to do any thing, but
" could not fail of producing a good effect."

The French King, in compliance with Lord Clarendon's requeſt, wrote two ‡ letters to the King of England, and the Chancellor, to that purpoſe. By this means Charles might have been plunged in the greateſt difficulties; for, if any commotions had happened in the nation, he might have been induced to truſt to theſe offers, and would probably have been deceived.

The haſty manner of carrying it on.

This tranſaction was carried on during the interval of Parliament, contrary to the opinion of the whole * Council, and the inclination of the people. It was begun ſoon after the receſs of Parliament, and hurried into a concluſion before the next meeting; as if purpoſely to prevent the Parliament's obſtructing the ſale, and annexing Dunkirk to the crown; for which a bill had been reſolved on, and carried through the Houſe of Commons. Indeed, as the Parliament had given the King money for ſupporting it, it could not properly be diſpoſed of without their conſent during ſitting. Lord Aſhley oppoſed the ſale in the moſt

Lord Aſhley oppoſed the

‡ Vide d'Eſtrades' Memoirs, p. 391, 392.

* J'ai trouvé tout le monde à combattre pour cela hormis le Roi, Monſieur le Duc d'York, et le Chancélier.

Lettre du Comte d'Eſtrades au Roi de Londres, le 6 Novem. 1662. P. 366.

ſtrenuous

ſtrenuous manner. He well knew the high importance of Dunkirk, of which he had given a proof juſt before the Reſtoration: for when Monk, to prevent Lord Aſhley's diſcovery of his deſigns in Council, made the conceſſions before mentioned, and declared his readineſs to do any thing to ſhew the ſincerity of his intentions, the firſt care of Lord Aſhley was to provide a proper governor for Dunkirk; and he procured his friend, Sir Edward Harley, to be nominated. Immediately after the Reſtoration, upon the King's telling Sir Edward Harley, that he had no mind to part with Dunkirk, and, therefore, thought proper it ſhould be annexed to the crown; a bill was paſſed in the Convention Parliament for that purpoſe. When Sir Edward afterwards found that it was to be ſold, he could not, either by intreaties or rewards, be induced to have any concern in the ſale. Another perſon was, therefore, appointed to ſucceed him, in order to deliver it up, and Sir Edward returned to England; where, when he told the King, "that the place was "ſold for no more than the artillery and ammunition were "worth," the King expreſſed his ſurprize at it.

1662. Sale of Dunkirk, and Sir Edward Harley.

This tranſaction proved, in the conſequence, of infinite prejudice. Spain and Holland grew jealous that King Charles would be cloſely attached to the intereſt of France; and from this criſis he became ſo: whilſt England, for a trifle, of no benefit to the public, loſt a place which would have been a great ſecurity to her navigation; and which has always been a fatal rock to her trade, in every war with France.

The pernicious effects of ſelling it.

As ſoon as the French King was in poſſeſſion of Dunkirk, he made it a free port, and took all imaginable methods for enlarging the trade, and navigation of France; and, being intent upon increaſing his navy, which before was incon-

Dunkirk made a free port.

1662. inconſiderable, he commanded ſupernumerary ſeamen to be put on board the French trading ſhips, and trained up at his own charge, in order to ſupply his men of war. And thus Lord Clarendon, by this haſty and unwarrantable ſale, contributed as much to the greatneſs of France, by making her a maritime power, as Cromwell had done before, in ſupporting her intereſt againſt the crown of Spain.

Lord Clarendon loſes the good opinion of the public.

The ſale of Dunkirk juſtly exaſperated the minds of the people, eſpecially the trading part; and Lord Clarendon being known to be the author of it, ſoon loſt his credit with the public: and for want of this, in concurrence with other reaſons, he afterwards loſt his intereſt with the King.

1662-3. Meeting of Parliament. Obſequious to the Court.

When the Parliament met, on the 18th of February, 1662-3, the Commons proceeded in the ſame ſteps as in the former ſeſſion. With the ſame obſequiouſneſs, they received the dictates of the throne for the guide of their actions. Every ſenſe of liberty was ſunk in adulation; and, as if the abuſe of freedom had rendered them weary of the bleſſing, they ſeemed ready to make a voluntary ſurrender of it. To ſtrengthen the hands of the crown againſt themſelves, a bill was paſſed, intitled, "an additional act for ordering "the forces of the kingdom;" and thereby they eſtabliſhed a military power, under the ſanction of Parliament.

Parliament of Scotland equally obſequious.

The Parliament of Scotland, likewiſe, as if to vie with them in ſervility, paſſed an act called "the loyal offer;" whereby that nation engaged themſelves to have twenty thouſand foot, and two thouſand horſe, ſufficiently armed, and furniſhed with forty days proviſion, to be in readineſs, when called for by the King, to march to any part of his dominions of Scotland, England, or Ireland, in caſe either of foreign invaſion, or inteſtine troubles; "or for any "other

"other ſervice, wherein his Majeſty's honour, authority, 1662-3.
"or greatneſs might be concerned."

In the ſpeech which had been delivered by the Lord Chancellor, at the King's paſſing the act of uniformity, May the 19th, 1662, there were unuſual expreſſions of aſperity againſt the Nonconformiſts; and the houſes were told, "It "was great reaſon, that they upon whom clemency could "not prevail, ſhould feel that ſeverity they had provoked." Near two thouſand miniſters were ejected from their livings, the next St. Bartholomew's Day. The rigour which the Preſbyterians ſuffered, in conſequence of this act, divided the Proteſtant intereſt, and raiſed great diſcontents in the kingdom. * The King "had promiſed the Preſbyterians, "that he would either not paſs the act, or procure a par- "ticular exemption for them. After the act was paſſed, "they addreſſed the King and Council, for a diſpenſation "from the penalties annexed to it. This petition would "doubtleſs have been rejected, if the King had not ſigni- "fied to the Council the obligation he was under to grant "the requeſt."

Bad effects of the uniformity act.

An attempt to ſoften its penalties.

In the beginning of January, he publiſhed a declaration, in which, after an aſſurance of his firm adherence to the act of uniformity, he ſaid, "for the ſake of others, he was "willing to diſpenſe with ſome matters in it:" and, in his ſpeech to the Parliament, February 18th, 1662-3, he told them, "he could heartily wiſh that he had ſuch a power of "indulgence to uſe upon occaſions, as might not needleſsly "force the Diſſenters out of the kingdom; or, ſtaying here, "give them cauſe to conſpire againſt the peace of it." Upon this encouragement from the King, and to compoſe the minds of the Diſſenters, whoſe numbers made them

* Rapin.

con-

1662-3. Bill for that purpoſe.

conſiderable, Lord Roberts (Lord Privy Seal) on the 22d of February, brought in a † bill concerning the King's power in eccleſiaſtical affairs; in which was a clauſe, "to "enable the King to diſpenſe, by letters patent under the "great ſeal, with the act of uniformity, or the penalties in "the ſaid law impoſed; or any other laws and ſtatutes re-"quiring oaths and ſubſcriptions:" and the Attorney General was ordered to bring in a liſt of all thoſe acts and oaths, to which the ſaid enacting clauſe related.

Upon reading this liſt, it was found that a greater latitude would be given in favour of the Papiſts, than was intended; and, therefore, the following general words, "or any other "laws and ſtatutes requiring oaths and ſubſcriptions," were immediately ordered to be omitted. As, when theſe words were ſtruck out, the bill could give relief to none but Proteſtant Diſſenters, and would only inveſt the crown with a legal power of remitting penalties, (an amiable branch of the prerogative! from which the ſubject could have nothing to apprehend) it was ſupported by the Earl of Mancheſter, (Lord Chamberlain) Lord Aſhley, and ſeveral other lords. The Earl of Clarendon was detained from the houſe, at that time, by illneſs; but on the 13th of March he appeared there, and warmly oppoſed the bill, which Lord Aſhley with as much vigour aſſerted. Lord Aſhley took notice of the fatal conſequences of the act of uniformity: that by it great numbers of miniſters were reduced to beggary: that many Proteſtants were running into other countries, to the prejudice of trade, and the diſhonour of the kingdom: that the reformers in King Edward the Sixth's reign had acted in a different manner; for they had, like wiſe and good men, contrived the doctrine and diſcipline of the church ſo as to enlarge the terms of community; that they had ſet

Oppoſed by Lord Clarendon.

Supported by Lord Aſhley.

† Lords Journals.

open

open the doors, and, by gentle means, perſuaded and invited all they could into the church; thinking that the enlargement of their body would redound to the honour of their religion. Lord Aſhley, however, and the other advocates for the bill, could not prevail. It was dropped in ſilence, which was chiefly owing to a reſolution of the Houſe of Commons, "that it ſhould be preſented to his Majeſty, "as the humble advice of that houſe, that no indulgence "be granted to the Diſſenters from the act of uniformity." At the ſame time, the King was attended by the ſpeaker, and the whole houſe, with an addreſs to recall his declaration of indulgence, and with reaſons why the Diſſenters ought not to inſiſt upon his declaration from Breda, or claim any right from that to an indulgence.

1662-3.

The bill dropped.

The Commons were under the influence of Lord Clarendon, who carried his notions both of the prerogative of the crown, and the power of the church to a great height. By ſeveral laws which he promoted, he advanced the former; and, by endeavouring to extend the latter, he conſiderably weakened the Proteſtant intereſt. By this means thoſe diſtinctions were preſerved which have been ever ſince ſo prejudicial to the nation, and which the welfare of the public made neceſſary to be removed. The Reſtoration gave the King a proper opportunity of uniting the people, both in religion and politics; and the contending parties would have ſettled into temper, if an equal conduct had been maintained towards them by the crown. This would certainly have been right in point of prudence; and, by the declaration from Breda, it was become as obligatory as it was juſt. But a narrow ill-judged policy prevailed: every ſtep was taken that could divide, inflame, and weaken the people; and the intereſt of the prince and the public were conſidered as two different objects.

Lord Clarendon's narrow politics.

1662-3. Lord Clarendon's apprehenſions of danger from the Diſſenters rendered him an advocate for all the penal laws againſt them; and thus (notwithſtanding his being himſelf a Proteſtant) he opened the door for Popery, by cauſing ſuch a wide breach among the Proteſtants: for the King (though it was not then known) intended to favour the Papiſts, and to ſhelter them under the indulgence which the ſeverity of penal laws might ſometimes make neceſſary to be granted to Nonconformiſts.

Lord Aſhley an enemy to perſecution.

Lord Aſhley was an enemy to every degree of perſecution; and thought that the diſtreſſing of the Diſſenters was an error in politics, as well as in humanity. He acted, therefore, upon theſe points, in a different manner from Lord Clarendon; and this oppoſition in their conduct and principles kept them always at variance.

Lord Clarendon and Lord Aſhley jealous of each other.

As Lord Clarendon was jealous of Lord Aſhley's friendſhip with Lord Southampton, and thought that he had influenced the latter, in his conduct concerning the penal laws againſt the Nonconformiſts; Lord Aſhley had, likewiſe, entertained ſome jealouſy of Lord Clarendon, upon account of his daughter's marriage with the Duke of York: for as Lord Aſhley would often view, at one glance, the moſt ſecret receſſes of the heart, he had made an early diſcovery of this to the Earl of Southampton, in the following manner.

"§ Soon after the Reſtoration, the Earl of Southampton "and Lord Aſhley having dined together at the Chancel- "lor's, as they were returning home, he ſaid to my Lord "Southampton, yonder Mrs. Ann Hyde is certainly mar- "ried to one of the brothers. The Earl, who was a friend

§ Locke's Memoirs.

"to

" to the Chancellor, treated this as a chimera; and aſked 1662-3.
" him how ſo wild a fancy could get into his head? Aſſure
" yourſelf, Sir, replied he, it is ſo; a concealed reſpect,
" however ſuppreſſed, ſhewed itſelf ſo plainly in the looks,
" voice, and manner, wherewith her mother carved to her,
" or offered her of every diſh, that it is impoſſible but it
" muſt be ſo. My Lord Southampton, who thought it
" a groundleſs conceit then, was, not long after, con-
" vinced, by the Duke of York's owning of her, that Lord
" Aſhley was no bad gueſſer."

Cloſe connection between Lord Southampton and Lord Aſhley.

As, both by alliance and a conformity of ſentiments, there was the cloſeſt friendſhip between Lord Southampton and Lord Aſhley, they, in almoſt all parliamentary tranſactions, concurred in the ſame meaſures; and, though they held employments of ſuch profit and diſtinction, did not think themſelves under a neceſſity of ſupporting all the deſigns of the court; but often acted in oppoſition to them.

Lord Southampton, who was one of the moſt diſtinguiſhed men of the age, for his probity, and public ſpirit, had been made Lord Treaſurer at the Reſtoration. Lord Aſhley, at the ſame time, was appointed Under-Treaſurer, and Chancellor of the Exchequer; and as Lord Southampton was much afflicted with the ſtone, and, therefore, incapable of ſupporting the fatigue of that great office himſelf, he left the † care of it chiefly to Lord Aſhley, in whom he put an entire confidence.

From

† Biſhop Burnet allows, that Lord Aſhley had more credit than any one with the Earl of Southampton, who was his relation. From this circumſtance alone, beſides his being Chancellor of the Exchequer, it is natural to believe the buſineſs of the Treaſury muſt in a manner intirely devolve on Lord Aſhley, during the indiſpoſition of Lord Southampton; and it becomes almoſt needleſs to remark on what the

1662-3. From Lord Aſhley's firſt entrance into the employment of Chancellor of the Exchequer, he made an accurate enquiry into the ſtate of it. From the confuſion of the times, great abuſes had been growing, which required a man of ſagacity and ſpirit to rectify. With incredible pains, he brought the affairs of the Exchequer into a proper œconomy, and ſearched minutely into every branch of the revenue ‖. He never depended upon the informations of perſons at ſecond hand. When he heard of any clerks, or others, who were men of underſtanding, and well verſed in affairs of their offices, he ſent for them, entered freely into converſation, and, by his affability and penetration, ſoon gained the knowledge which he wanted.

Lord Aſhley's conduct as Chancellor of the Exchequer.

He promotes trade and commerce.

As his province led him to an inquiry into the trade of the nation, his active mind was conſtantly employed upon the improvement of our manufactures, and enlarging our exportation. Where he found this laſt to be decaying in any of its branches, he ſought after the reaſons, and conſulted many of the moſt eminent merchants about the methods of recovering it. He gave them queries, to which he deſired their anſwers in writing; and, by comparing and

Biſhop ſays, that Lord Southampton left it wholly to the management of Sir Philip Warwick. Lord Aſhley had too much knowledge of buſineſs, too great a diſpoſition for it, and too high a ſpirit, to ſubmit to ſuch a neglect of him; eſpecially, as Sir Philip was a very weak man, for ſo, at the ſame time, the Biſhop deſcribes him. Among the papers in the poſſeſſion of the preſent Lord Shafteſbury, there are a great number of petitions for farming the Cuſtoms, and the Exciſe, and other things relating to the revenue, which are either addreſſed to Lord Aſhley ſingly, or to the Earl of Southampton and him jointly.

‖ There are ſtill remaining, among Lord Shafteſbury's papers, a great number of accounts from the Exciſe and Cuſtoms, down to the loweſt offices under the inſpection of the Treaſury, with his remarks upon them.

digeſting

digeſting theſe, acquired a complete and general knowledge of trade. This he thought an eſſential part of the character of a ſtateſman; eſpecially, as France and other countries began to ſee its advantages, and were forming upon it their ſchemes of greatneſs. The merchants, perceiving this diſpoſition in Lord Aſhley, applied to him, upon all occaſions, for his advice and intereſt, and found in him an active and conſtant friend *. 1662-3.

Is an enemy to monoplies.

Lord Aſhley was a great enemy to monopolies, and thought that companies were often a prejudice to trade, which would flouriſh in a better manner, by being more extenſive. This was evident, at that time, from the company of merchants adventurers, who, by their own impoſitions, and thoſe which by their conduct they induced foreign countries to lay on their cloths, were often forced to keep them, or, by putting off their bad ones, brought them into diſcredit abroad. He ſaid, "the reſtraining a general "trade, was like the damming of increaſing waters, which "muſt either ſwell them to force their boundaries, or cauſe "them to putrefy where they are circumſcribed."

Favours the woollen manufactory.

He was particularly intent upon increaſing the exportation of the woollen manufactory, which was very low, and had been ſinking from the year 1633. At that time, a ſtrict proclamation had been made for reſtraint of trade; and many of our merchants ceaſed to traffic in woollen goods, in conſequence of the diſcouragement which they

* Among his papers ſtill extant there are many proofs of this, and various letters of thanks from merchants for his protection and care of them, particularly from a large body of traders to Newfoundland, acknowledging it to be owing to him that the decaying and dying trade of fiſhing was reſtored there; which he thought the beſt nurſery for ſeamen.

met

1662-3. met with from the company. The clothiers were full of complaints; the workmen went into foreign countries, to the infinite prejudice of England; and wool was, even by the members of the company, often exported inſtead of the manufacture. Lord Aſhley prepared and forwarded a bill for preventing the exportation of wool, &c. and, by other prudent ſteps which he took, to remove the reſtraints from the ſtaple of England, the exportation of it roſe from that time, and continued riſing, to the great wealth and power of the nation.

He made an exact ſearch into the ſtate of the navy. He kept, as appears by his papers, a regular account of our ſhipping; the number of ſhips, their complement of men and guns; the officers, with their names and characters; as, likewiſe, the conditions of their ſhips: and, as he thought theſe the natural ſtrength of England, he was continually promoting an increaſe of them; for which purpoſe he enquired into the growth and fitneſs of timber in the King's foreſts, which had been too much neglected. King Charles the Firſt had, in his neceſſity, ſold a large part of the foreſt of Dean, particularly eighteen thouſand acres, to Sir John Wintour, which were ſoon diſforeſted. Lord Aſhley took proper methods for ſatisfying the purchaſers, and for recovering that part of the foreſt for the crown; and, likewiſe, for preſerving and increaſing the timber in it for the uſe of the navy *.

1663-4. Bill againſt ſeditious conventicles.

As the King had intimated to the Parliament his deſire of a bill to ſuppreſs ſeditious conventicles, the Houſe of Commons, ſoon after their meeting, on the 16th of March,

* There are a great number of his remarks upon the navy and the miſmanagement of the timber, as, likewiſe, upon the foregoing articles of trade, among his papers.

1663-4,

1663-4, paſſed a bill for that purpoſe, and ſent it up to the Lords; but there it met with great obſtruction, from the perſons who had oppoſed the corporation and other penal acts. Several amendments were made by them to the bill, which produced conferences between the houſes; and in theſe conferences, Lord Aſhley (along with the Earl of Southampton, the Earl of Angleſey, and Lord Mohun) was a manager for the Lords. Whilſt the King and his courtiers were thus weakening the Proteſtant intereſt at home, they entered into meaſures which were equally repugnant to it abroad. 1663-4.

War with Holland.

This year the war was begun with Holland; the King being inclined to it, from his reſentment againſt the Dutch, for their union with the Long Parliament. He was, likewiſe, inſtigated to it by the Duke of York; who, for the ſake of the Popiſh, was intirely attached to the French intereſt. The ſcene was opened by Mr. Clifford, who was inflamed with the ſame principles. On the 22d of April, 1664, he carried a meſſage from the Houſe of Commons, to deſire a free conference with the Lords, concerning ſome matters relating to foreign trade *. In this conference, he repreſented that the Hollanders very much obſtructed our foreign trade: he ſet forth the complaints of the Eaſt-India Company, the Turkey Company, the Royal African Company, and the Portugal Merchants, with the amount of the damages they had received from the Dutch, in ſix articles, to the value of ſeven hundred and fourteen thouſand five hundred pounds; and preſented a vote of the Houſe of Commons, that his Majeſty ſhould be humbly moved, to take ſome ſpeedy and effectual courſe for redreſs; and that in proſecution thereof they would aſſiſt him with their lives and fortunes. With this the Houſe of Lords concurred, 1664.

* Lords Journals.

and

1664. and the King ſent an anſwer in writing, agreeable to their vote; and upon the ſtrength of it he entered into the war, as, indeed, he had before determined.

France, by the wiſdom of her own counſels, and by the weakneſs of the counſels of other ſtates, was, at this time, advancing to a greatneſs which rendered her formidable to all Europe. Cromwell had laid the foundation for this greatneſs, by joining with, and ſupporting her, in her quarrels with Spain. This was a fatal error in his politics; an error into which he was led by preferring his private intereſt to that of the public.

The King's ſubmiſſion to France.

King Charles unhappily followed him in the ſame path, and, in ſo doing, acted from the ſame motives; ſelf-intereſt, and the eſtabliſhment of an arbitrary power. Cromwell, however, ſhewed, by the acquiſition of Dunkirk, that he had ſome view to the welfare of England; while Charles, though he was ſenſible of its importance, weakly, and for a trifling value, ſacrificed it to France. Cromwell, in all his tranſactions, dictated to France with the ſpirit of a ſuperior; but Charles received her commands with the ſubmiſſion of a dependant. Cromwell aſſerted the honour of England, even in trifles: whereas the King was ſo negligent, that he ordered Lord Holles, his ambaſſador, to † viſit the princes of the blood, even after Lord Holles had refuſed it, had conteſted it, and had carried his point at the court of France.

† Lord Holles's letter to Secretary Morrice, Appendix.——Some letters between Lord Aſhley and Secretary Morrice are inſerted (though out of time) under this number in the Appendix, that the reader may ſee the friendſhip between them, and by which he may judge that they joined in the ſame opinion with their friend Lord Holles, about the conduct of affairs, which, though they were in conſiderable places, they had not power to prevent.

At

1664. Lord Aſhley appointed Treaſurer of the Prizes.

At the breaking out of the Dutch War, Commiſſioners were appointed for the ſale and management of the Prizes, with a Treaſurer, Caſhier-General, Comptroller, and other officers. The principal Commiſſioners, the Treaſurer, and Comptroller, conſiſted of either the nobility, or of perſons of great diſtinction. Lord Aſhley was Treaſurer, and in this office, as in all his public and private affairs, he obſerved the utmoſt exactneſs and circumſpection. He kept duplicates of accounts, which are ſtill remaining, of all ſums paid by him, and by what authority: whether by tallies into the Exchequer; by warrants from the King, under his ſign manual and privy ſignet; or from the principal Commiſſioners; which warrants were entered in the Comptroller's office, and copies of them were preſerved by him. In his accounts, he ſpecified the ſums received and paid, to whom they were paid, and for what uſes; as Greenwich Hoſpital, the Navy, Tangier, and other ſervices. This care and exactneſs proved of advantage to him; for the Houſe of Commons, ſome time after, ordered a bill for appointing Commiſſioners to examine the public accounts: but the King, perhaps to prevent any reflections that might ariſe from the Parliament's beginning the inquiry, ordered a Commiſſion of the ſame nature, under the great ſeal; in which all the Judges, and almoſt all the Members who had been nominated in the bill, were made Commiſſioners. Lord Aſhley's accounts were laid before them; but, after ſtrict inſpection, there appeared no foundation for any cenſure on his conduct.

1665. Meeting of the Parliament at Oxford.

On the 9th of October, 1665, the Parliament met at Oxford, the plague raging, at that time, in London. The King, in his ſpeech, demanded a new ſupply for carrying on the war; and, to enforce the demand, the Lord Chancellor Clarendon delivered a long ſpeech at the concluſion of the King's, in which he enumerated the many injuries

1665. and affronts, which England had received from the Dutch †. He called them " an ungrateful ſtate," and ſaid, " they " had a dialect of rudeneſs ſo peculiar to their language, " that it was high time for all Kings and Princes to oblige " them to ſome reformation, if they intended to hold cor- " reſpondence or commerce with them." Lord Clarendon, however, delivered this ſpeech ex officio; for he was believed to be averſe to the war. The general ſcheme of power was ſtill carrying on at home; and a deſign was laid to impoſe an oath on the whole nation, " that they would " not endeavour any alteration of government, either in " church or ſtate; which was tacitly owning them to be " Jure Divino ‡."

The Nonconformiſt Miniſters were looked upon as the moſt obnoxious ſet of men to the public; and they might be eaſily repreſented as the moſt dangerous, in conſequence of the power which the ſectaries had lately enjoyed. It was, therefore, thought that the beſt method of paving the way for the general introduction of the oath was to begin with the Diſſenting Miniſters.

Five Mile Act.

Upon ſome ſevere expreſſions in the ſpeech delivered by Lord Clarendon, October the 9th, againſt the Nonconformiſts, the Commons immediately paſſed, and ſent up to the Lords, the Five Mile Bill; by which no Nonconformiſt Miniſter could dwell in, or come within five miles of, any corporation, or any other place where he had been miniſter, or had preached after the act of oblivion, unleſs he took the oath, as mentioned in the corporation act; to which were added theſe words: " and that I will not, at " any time, endeavour any alteration of government either

† Lords Journals. ‡ A letter from a perſon of quality.

" in

" in church or ſtate." By this dangerous oath, the King and his adminiſtration were to be left to act without controul; and the people, being bound to an implicit obedience, muſt ſubmit with patience. 1665.

Oppoſed by Lord Aſhley and others.

Lord Aſhley, and his friend the Earl of Southampton ‖, oppoſed the bill in a ſtrenuous manner; and ſhewed, that the oath was in itſelf unjuſtifiable; that it ſprang from bad deſigns; and muſt produce the moſt fatal conſequences to the liberty of the ſubject: but, notwithſtanding the oppoſition made by them, and by ſome other lords, the bill paſſed into an act. After the Commons had diſpatched it, they brought in another, to oblige every ſubject to take the ſame oath; but this bill was thrown out of that houſe, by a majority of three votes only.

Lord Aſhley, notwithſtanding the vigour with which he acted in Parliament, was, at this time, in a very bad ſtate of health: for the bruiſe in his ſide, occaſioned by his being overturned in Holland, 1660, was grown to an impoſthumation; and, in the beginning of the ſummer 1666, upon the ſingle advice of Mr. Locke, who was then accidentally introduced to his acquaintance, he underwent an hazardous operation, which ſaved his life. His breaſt was opened, the matter diſcharged, and an orifice was ever after kept open by a ſilver pipe; an inſtrument famous upon record, in the writings of ſeveral authors ſome years after, who never failed to reproach him with this infirmity.

Deſign of France.

The war with Holland was, in a great meaſure, owing to the intrigues and influence of the French King, who acted his part, in this reſpect, with great ſagacity. He had

‖ Echard——and a letter from a perſon of quality.

1665. formed a design for the * conquest of the Low Countries; and, therefore, he fomented the war, in order to weaken the maritime powers, and prevent their obstructing his measures. He followed very closely the advice given, in the following paper, by the Count d'Lyonne, who had been bred under Cardinal Richlieu, constantly employed under Mazarine, and was for many years Secretary of State.

" SIRE,

D'Lyonne's letter to the French King.

" THE present conjuncture of affairs abroad requires " nothing more from your Majesty's prudence, than to " respite, for a little time, the war against Spain. That " which is already begun betwixt England and the United " Provinces, is the most fortunate occasion that can pos- " sibly be wished; and which the Divine Providence seems " to present your Majesty, not only to constitute you arbi- " ter of the differences between those two nations; but by " which you may exhaust them at a little charge, (being " the only powers which can, and are, indeed, obliged to " engage for the defence and protection of the Low Coun- " tries) and reduce them to such a condition, that it shall " not be in their power to remedy it, though they would; " provided, I say, your Majesty will but foment this war, " so as it may continue. The English will find themselves " necessitated to implore your Majesty's alliance, and friend- " ship; and the United Provinces absolutely depend upon " your will, as having need of your assistance; and both " will, at last, be reduced to an impossibility of opposing " your just designs. But if once your Majesty should un-

* By Lord Clarendon's letter to Count d'Estrades, Oct. 27, 1662, this conquest seems to have been projected long before; to have been in a manner concerted with the English Court, at least, with the Chancellor; and the war seems to have been the consequence of it.

" dertake

" dertake any thing againſt the ſaid Provinces unſeaſona- 1666.
" bly, and with too much impreſſiment, before your Ma-
" jeſty be well aſſured that the ſtrength of both nations is
" ſufficiently weakened, your Majeſty will find the ſcene
" quite changed in a moment; and the ſame powers, which
" are at preſent, at variance, to the mutual deſtruction of
" each other, will unite themſelves together by the motive
" and maxim of a ſtronger intereſt, the defence of the com-
" mon rampart. It would be a ſtroke of admirable pru-
" dence to let them go on and ruin one another; and to
" behold the game at a diſtance; to blow the coals with
" addreſs; and, by making a buſtle, ſeem to be much
" concerned to aſſert and defend the Hollanders your allies;
" from time to time encouraging them with ſome inconſi-
" derable aid, whilſt the whole ſtreſs of the war lies ſtill
" upon their arms; till your Majeſty ſees them reduced to
" the point of being no more able to oppoſe thoſe conqueſts,
" which your Majeſty has formed in your mind. Sire,
" there is only one thing to be apprehended in this deſign,
" namely, a league or confederacy between England, Swe-
" den, and the Houſe of Auſtria; to which, alſo, the Hol-
" landers may haply be inclined of themſelves, as well as
" other Princes of the North. Experience, Sire, of former
" times, and the knowledge of the preſent, oblige me in
" all humility to declare, that there could nothing happen
" more fatal to the crown, than ſuch a league and union.

" 1666. DE LYONNE.

" To the French King his maſter."

Lord Aſhley, by his correſpondence abroad, had a per- Lord Aſhley's attention to foreign affairs.
fect knowledge of the * characters of the miniſters, and

* A book of his is ſtill extant, in which are the names and characters of the moſt eminent men in all the courts of Europe.

the

1666. the chief perſons in moſt of the foreign courts; and had an early intelligence of their councils. As he ſaw the deſigns of France, her increaſe of ſhipping, improvement of trade, and obſerved all the meaſures tending to her riſing greatneſs, he was earneſt for concluding the war with Holland. He was, likewiſe, the principal cauſe of the King's not running into another, which would have proved highly prejudicial to the trade of the nation.

Engliſh merchant ſhips attacked by the Dutch in the Elbe.

At the breaking out of the war with Holland, Sir William Swann, the Engliſh Reſident at Hamburgh, applied to the Senate, to know whether they would undertake to keep the river Elbe in ſecurity, and protect the Engliſh ſhips from any hoſtilities. The Senate anſwered, that their city was too weak to make ſuch an engagement; but, if the King of Great Britain would agree to a neutrality in the Elbe, they would endeavour to perſuade the States General to acquieſce in it. For the advantage of the city of Hamburgh, the States conſented to ſuch a neutrality; but the King would not declare his agreement.

In the beginning of the ſummer, 1666, the Senate deputed Mr. Garmers, their Syndic of the city, and afterwards Mr. Weſterman, one of their body, to give notice to the Secretary of the Engliſh Company at Hamburgh, that they had received intelligence of the Dutch having a deſign to attack the Engliſh ſhips in the Elbe; and adviſed them, therefore, to be circumſpect, and bring their ſhips under the cannon of the city. Theſe were lying at a place called New Mill, about a mile diſtant from the walls of Hamburgh, but within the juriſdiction of the King of Denmark. There was no haven or fort there, but only a wind-mill, and a houſe, which by the miller was made a victualling-houſe. Upon this notice, ſeveral ſhips ſailed down the river, to take the benefit of Sir Chriſtopher Myng's convoy; but being diſ-

diſappointed, they came back to their former ſtation at New Mill. On the 24th of Auguſt, 1666, about eight o'clock in the evening, four Dutch men of war attacked the Engliſh fleet of merchantmen: eleven ſhips immediately cut their cables, and ſaved themſelves under the protection of the city cannon: three others, endeavouring to eſcape, were ſtranded at a place ſomething leſs than a mile from the city, but out of its juriſdiction, and were burnt, along with a Hamburgh ſhip that was laden. As the Engliſh had been firing their cannon all that day and the former, by way of rejoicing, the Senate had no knowledge of their being attacked, till they ſaw the flames of the burning ſhips. 1666.

The King threatens war againſt Hamburgh.

This accident ſo incenſed King Charles, that he ordered Secretary Morrice to ſend for the Hamburgh merchants reſiding in London, and to acquaint them how highly he reſented the proceedings of the Senate; and that, if they did not cauſe full and ample ſatisfaction to be made, within three months, for the loſſes occaſioned by their permitting the ſhips to be burnt, he would take a proper courſe for the recovery of them, and the vindication of his honour. The Senate of Hamburgh ſaid, that they ought not to make this reparation; and alleged, that they had endeavoured to obtain a neutrality in the Elbe: that they had given early notice to the Engliſh to be, in general, upon their guard, but had themſelves no knowledge or expectation of this particular attack: that the place where the ſhips were burnt, was under the juriſdiction of the King of Denmark: that the Hamburghers were greater ſufferers than the Engliſh Company, and that thoſe ſhips which came under the protection of their cannon, received not the leaſt damage: that ſuch goods, belonging to the Engliſh ſhips, as were plundered, and brought into their territory, were, by the aſſiſtance and authority of the Senate, reſtored to the owners: and that, even granting the attack had been in their territory,

1666. tory, as it was made by a ſuperior power, no neutral country could by any law be obliged to make reparation to a third party. The Senate preſented, in their juſtification, and maintenance of their rights, very ample remonſtrances; ſupported by a great number of authorities from the civil law *.

Lord Aſhley diſſuades the King from it.

Upon the refuſal of the Hamburghers to make ſatisfaction, King Charles reſolved to declare war againſt them. Lord Aſhley, who had made himſelf maſter of the diſpute, and found that the city was not to be blamed, laid before the King the ill conſequences of ſuch a war; and particularly repreſented that it would in a manner ruin the woollen manufactory, Hamburgh being almoſt the only market for it abroad, ſince the war with Holland: for the Company of Merchant Adventurers permitted their members to trade only to two towns, viz. Hamburgh and Rotterdam; and they had, at that time, a factory at Hamburgh. He deſired the King, before his taking a ſtep of ſuch vaſt importance, to hear the opinion of the merchants of London; to which the King conſented. Upon this, the following memorial was preſented to Lord Aſhley, deſiring him to lay before the King their reaſons againſt the war.

" May it pleaſe your Lordſhip,

Memorial of the Engliſh Merchants.

" SINCE it has pleaſed his Majeſty ſo far to conſider " the ſad condition of his poor ſubjects, as that, by your " Lordſhip's prevailing mediation and interceſſion, we may " humbly offer our thoughts, before his Majeſty proceedeth " to declare war againſt the city of Hamburgh, we return " our dutiful thanks to his Majeſty for his princely care of

* Theſe opinions of the Civilians are amongſt Lord Shafteſbury's papers.

" his

" his ſubjects; heartily praying to God ſo to bleſs his coun- 1666.
" ſels, that they may tend to the peaceable and quiet ſet-
" tlement of his government over us; and that thereby
" trade and commerce may ſo flouriſh, as to enable us to
" render him not only the tribute of our lips, but of our
" purſes and eſtates. With all due ſubmiſſion, therefore,
" we conceive, that the juſt occaſions of offence his Ma-
" jeſty may have taken againſt the city of Hamburgh, are
" referable to theſe two heads; breach of articles with his
" Majeſty, or injuries offered to his ſubjects trading thither.
" The firſt is a point too high for us to diſcourſe on; but
" we beg leave to ſay, that in all treaties made with the
" town of Hamburgh, the Kings of England have not
" thought fit to deſcend ſo low, as to make themſelves par-
" ties. They have always preſerved their dignity, and
" taken to themſelves the controling power of arbitrating
" differences between the city and company; ſo that they
" have rather been protectors and guarantees, than princi-
" pals or acceſſaries in any of the agreements.

" As, therefore, the firſt motive for the correſpondence
" between the crown of England, and the Hans Towns,
" was the advancement of trade; we cannot but with
" grateful hearts acknowledge his Majeſty's care, rather
" to hazard the inconveniences and uncertainties of war,
" than ſuffer his ſubjects to be impoſed on: but, if repara-
" tion and ſatisfaction may be obtained, together with all
" probable obligations, and aſſurances of a future good be-
" haviour, we cannot ſo far forget the tender compaſſionate
" zeal, which his Majeſty has always ſhewed for the welfare
" of his people, as to diſtruſt it now. We, therefore,
" humbly crave leave to ſay,

" 1ſt. That the trade of Hamburgh, giving the moſt
" conſtant and liberal vent to the woollen manufacture

1666. " this nation, and the commodities returned from thence " being of more real uſe to the kingdom, than thoſe of " any other country, the interruption of that trade will not " only prejudice the vent of that ſtaple commodity, (where- " by the revenue of the whole kingdom will be much " abated, and his Majeſty's cuſtoms be greatly leſſened) " but the returns from thence conſiſting chiefly in naval " ſtores, the war, if it continues long, will with difficulty " be carried on without a friendſhip with Hamburgh. It " may not, alſo, be unworthy of conſideration, that the " privileges, and immunities, granted to the Engliſh mer- " chants, are not only greater than any factory in the " world hath, but were given in the infancy of trade, " when we were ſole maſters of the woollen manufactory; " and ſhould they be once forfeited, would never be re- " ſtored again.

" 2dly. As to the affair of the burnt ſhips; his Majeſty " being pleaſed to make himſelf judge of it, for the right- " ing of his ſubjects, in all humility we acknowledge his " favour and juſtice; whereof, though we have received no " benefit, yet we cannot juſtly lay that upon the Ham- " burghers; the commiſſion for making out many of the " claims not being yet returned from Hamburgh.

" 3dly. As in the beginning of the war againſt the " Dutch, the Engliſh merchants exported vaſt quantities of " cloth to Hamburgh, (that town, in all wars with the " Dutch, having been the magazine for the northern parts " of the world) it appeareth that the Engliſh goods now " there, together with the debts owing from the Ham- " burghers, upon a juſt and regular computation, amount " to about four hundred thouſand pounds ſterling, which " in caſe of a war will certainly be confiſcated: a ſum that " never will be repaid by the prizes which may be taken;

" for

" for that inconſiderable town, not daring to contend with 1666.
" his Majeſty, will immediately abſtain from all trade, and
" not venture to put out one ſhip to ſea, their inland trade
" being what will ſupport them; and conſequently their
" mariners (who are very numerous) will ſerve the Hol-
" landers for bread: and beſides, the lives of thoſe Engliſh-
" men who are there will be expoſed to the violence of
" an enraged, ungovernable populace; and then what re-
" mains but that our miſerable traders thither muſt throw
" themſelves and their families at his Majeſty's feet for
" bread; which would be, alſo, the condition of ſeveral
" thouſands of clothiers and artificers of this nation, who
" are wholly ſupported and maintained by that trade.
" And now, my Lord, we are too ſenſible of his Majeſty's
" goodneſs, to impoſe upon it longer by our diſcourſe: we
" know our concerns are ſafely lodged, when within his
" breaſt; and may eſteem our fortunes ſecure, when com-
" mitted to the tender care of the father of our country."

Lord Aſhley's averſion to the deſigns of France.

The war with Holland had been owing to the intrigues of France, whoſe inſtruments for promoting and carrying it on, were the Duke of York, and his adherents in the court. The chief perſons intruſted by the Duke, and promoted by his influence, were declared, or ſuſpected, Papiſts; from whence Lord Aſhley ſoon penetrated the ſecret of his being perverted to Popery. As the Duke's principles made him believe that the crown ought to be veſted with an arbitrary power, ſo his temper naturally led him to the practice of it; and for the ſupport of this and his religion, he was always cloſely attached to the intereſt of France. Lord Aſhley had an * invincible averſion both to arbitrary power

* Ce ſeigneur, quoique d'ailleurs très moderé, eſtoit intraitable ſur la religion Romaine, pour laquelle il avoit une averſion invincible.

1666. power and to Popery. His oppoſition, in council, to every ſtep in favour of theſe, and his jealouſy of the Duke, which he could not hide, gave this laſt a diſtaſte to him, that ſettled in an irreconcileable hatred; though the Duke as yet had not dared to make any public profeſſion of his religion.

He promotes a peace with Holland.

The war evidently tended to weaken the maritime powers, and in them the Proteſtant intereſt. The French King's greatneſs could only be built on their ruin; and, therefore, Lord Aſhley tried every art, and uſed his utmoſt intereſt, to forward a peace with the Dutch. However, he propoſed, at the ſame time, that the nation might reap ſome advantage by the war; and for this purpoſe, he delivered a paper to the King, repreſenting that, in the treaty of peace, one half, at leaſt, of the trade of nutmegs, mace, cloves, and cinnamon, which were ſolely in the hands of the Dutch Eaſt-India Company, ſhould be claimed and inſiſted on. Theſe claims he grounded on the Dutch having, by fraud and force, diſpoſſeſſed the Engliſh of the ſpice trade at Amboyna and Poleroon; on their keeping poſſeſſion of it, contrary to an agreement made with King James in the year 1619, by which agreement the Engliſh were to have one third part of the trade; on their detaining the iſland of Poleroon, contrary to articles lately made; on their, alſo, obliging the King of Macaſſar to exclude the Engliſh, by name, from the trade of cloves; and on their expelling the Portugueze from the iſland of Ceylon, and depriving the Engliſh, likewiſe, of the cinnamon trade; by which means, being the ſole maſters of thoſe commodities,

The terms propoſed by him.

Il n'etoit pas mieux diſpoſé à l'egard du pouvoir arbitraire, et tyrannique, c'eſt une choſe connue de tous ceux qui ont eû quelque commerce avec lui, ou qui en ont ouï parler à ceux que l'ont connue.

Le Clerc, Bibliotheque Choisie, tom. vi. p. 364.

they

they made the whole world pay, at leaſt, four times the price for them which they formerly did. 1666.

He propoſed, that if this agreement ſhould be made with the Dutch, the Engliſh, for their own ſecurity, ſhould have a military command in thoſe places; that caution ſhould be taken at home for the performance of what was ſtipulated; that the commodities ſhipped from any of thoſe iſlands to Europe, Perſia, or other parts of the world, ſhould be for a joint account of both nations; and that, if not the whole, at leaſt, half of the goods ſhould be laden in Engliſh ſhips, and ſold at ſuch rates as ſhould be mutually ſettled between the two powers: but this repreſentation had no effect. The war was neither entered into nor concluded with any regard to the intereſt of England. It was carried on without honour, and ended without advantage.

On the 16th of May, 1667, Lord Aſhley loſt his relation and great friend, the worthy Earl of Southampton; and in him the public was deprived of a true patriot, and the Proteſtant intereſt of an eminent ſupport. He, in conjunction with Lord Aſhley, Lord Roberts (Lord Privy Seal) the Earl of Mancheſter (Lord Chamberlain) the Earls of Northumberland, Leiceſter, Sandwich, and Angleſey, Lord Holles, and Secretary Morrice, had given great oppoſition to the French intereſt, to the penal laws, and the ſchemes of arbitrary power. 1667. Earl of Southampton's death.

After his death the following Commiſſioners were appointed for executing the office of Lord High Treaſurer, viz. the Duke of Albemarle, Lord Aſhley (who continued Chancellor of the Exchequer) Sir William Coventry, Sir John Duncomb, and Sir Thomas Clifford.

On

1667. Treaty of commerce with Spain.

On the 23d of May, 1667, a * treaty of commerce was concluded with Spain, the inſtructions for forming which were drawn up by Lord Aſhley.

Peace with Holland.

On the 24th of Auguſt in the ſame year, a peace was proclaimed with Holland. The ſhare which Lord Aſhley had in this tranſaction, was ſo well known to the States General, that, when they ſent over their ambaſſadors, theſe had particular orders to wait on him, and delivered him a letter, in which the States deſired ‖ the continuance of his friendſhip.

* The heads of this treaty, in his own hand writing, interlined and corrected in ſome places, are among his papers, and one remarkable article in the inſtructions was, that no ſearching of ſhips ſhould be allowed.

‖ Vide Appendix.

SECTION

SECTION VIII.

The hiſtory of public affairs continued, with Lord Aſhley's concern in them, till the breaking out of the Second Dutch War.

ON the 31ſt of Auguſt, the ſeals were taken from the Earl of Clarendon, and given to Sir Orlando Bridgman, with the title of Lord Keeper. As this is a critical part of Charles's reign; as, for ſome ſhort time before the diſmiſſion of Lord Clarendon, and ſome time after it, the King ſeemed to have broken looſe from the fetters in which he had been, and was afterwards chained; as there was a general alteration in his conduct, and this ſhort interval might juſtly be called the golden age of his government; it may be proper to take notice of the many remarkable and truly national tranſactions which preceded and attended that diſmiſſion; of the effects they had in the different courts in Europe; and to point out by whoſe counſels they were moſt probably directed. Nor can it be amiſs to ſhew, at the ſame time, by what means Lord Clarendon loſt his intereſt with the King, and his credit with the public; and the apprehenſions which France entertained, that in him it was deprived of its principal ſupport in the court of England. 1667. Lord Clarendon diſgraced. Review of his conduct.

Lord Clarendon had many powerful enemies at court, and throughout the nation: his haughty behaviour, which even his advocates have allowed, might occaſion the firſt, and

1667. and his miniſterial conduct the latter. He had been a great promoter of the * penal laws, which could not but render him obnoxious to all the moderate party in the nation, and might make the friends, and even the enemies of the King, (if at that time he had any) look back with juſt apprehenſions on the violent proceedings of Charles the Firſt. The marriage of Lord Clarendon's daughter with the Duke of York; the marriage of the King with the Infanta of Portugal, ſubſequent to the former; the ſale of Dunkirk, known at that time to be the Chancellor's act; his attachment to the court of France, and his enmity to the court of Spain, had made him very unpopular.

After his diſmiſſion, the Commons impeached him, on the 12th of November, at the bar of the Houſe of Lords; and many circumſtances, which have ſince been brought to light, tend to ſupport ſome of the articles alleged againſt him. In that relating to the ſale of Dunkirk, Count d'Eſtrades' letters have evinced him to be the ſole author of the ſale of that important place; and theſe letters are corroborated by the teſtimony of Marſhal Turenne.

Another article of the impeachment, viz. the ſixth, "that "he received great ſums of money from the Company of "Vintners, or ſome of them or their agents, for enhancing "the prices of wines, and for freeing them from the pay-"ment of legal penalties, which they had incurred," is ſupported even by thoſe hiſtorians who have been his warm-

* In his apology, at the beginning of the firſt volume of his eſſays, Lord Clarendon aſſumes the merit of having been the chief promoter of one penal law, viz. "that for calling the King a Papiſt;" an act as fooliſh as it might have been made oppreſſive; for from that time (as has been obſerved by a great man in the ſame high ſtation) no man ever doubted the King's being one.

eſt

eſt advocates: for, in order to exculpate him from the clamour which, at that time, was general, that Clarendon Houſe (commonly called Dunkirk Houſe) was not built with any money he received from the ſale of Dunkirk, Echard, in particular, ſays, "it was built chiefly at the "charge of the Vintners Company, who, deſigning 'to "monopolize his favour,' made it more large and magni-"ficent than ever he intended." A ſeverer charge could not well have been exhibited againſt a Chancellor and Firſt Miniſter. 1667.

Upon the impeachment's being carried up to the Lords, a motion was made for ſequeſtering him from Parliament, and committing him. This Lord Aſhley, among others, oppoſed *, becauſe no particular treaſon was aſſigned in the impeachment; and in ſo doing, he ſhewed that he was not governed by any ſpleen or reſentment; though he had uſually differed from the Chancellor in public debates, and eſpecially, in whatever related to the penal laws. Lord Aſhley oppoſes his being impriſoned.

* This the Earl of Rocheſter (the youngeſt ſon of the Chancellor) acknowledged to the Earl of Shafteſbury, who was father to the preſent Earl. It is to be obſerved, that in the proteſt upon this queſtion, which was ſigned by twenty-eight Lords, ſeveral of whom, as the Duke of Albemarle and others, were then, and had been from the Reſtoration, in ſome of the principal offices of the court, there is the following remarkable article, viz. "The Earl of Clarendon's power "and influence, in the abſolute management of all the great affairs "of the realm, hath been ſo notorious ever ſince his Majeſty's happy "return into England, until the great ſeal was taken from him, that, "whilſt he is at liberty, few or none of the witneſſes will probably "dare to declare in evidence, all that they know againſt him."

This appears evidently in Lord Clarendon's Hiſtory of his Life, where we find that he took upon him to direct all the proceedings of the Houſe of Commons, and that he did not ſcruple, even in the King's preſence, to treat in a very abuſive manner the perſons whoſe ſchemes he diſapproved. See his behaviour to Sir George Downing, vol. iii. p. 609, 610.

1667. Lord Clarendon, upon his impeachment, withdrew, and, ſome time after, ſent to the Houſe of Lords a long memorial, tending to juſtify himſelf againſt the accuſation of the Commons: but in this his anſwer was general; and as to one of the chief articles, viz. that relating to the ſale of Dunkirk, he was entirely ſilent. This memorial, which was received by the Lords on the 3d of December, raiſed a great flame in both houſes, and exaſperated the public againſt him. The next day, the King declared, in * Council, that Lord Clarendon ſhould be put out of the Council, and from thenceforth be diveſted of the office of Chancellor; and on the 13th of the ſame month, a bill was ſent from the Lords to the Commons, for baniſhing the Earl of Clarendon, who afterwards ſettled in France, during the remainder of his life.

The French intereſt declines at the Engliſh court.

For a ſhort time before and after Lord Clarendon's diſgrace, the French intereſt ſubſided. The treaty of peace with Spain filled the court of France with apprehenſions that our court was going into too cloſe an union with the Spaniards; and theſe apprehenſions were ſo greatly increaſed by Lord Clarendon's diſgrace happening very ſoon after it, that Monſieur † Ruvigni was ſent to England, with inſtructions to ſound the diſpoſition of the Engliſh court, and to know whether, upon Clarendon's being turned out, the King had not been prevailed on to quit the friendſhip of France, and enter into a cloſer alliance with Spain.

The peace with Holland, which ſpeedily followed the treaty with Spain, was another circumſtance that gave un-

* London Gazette.

† Ruvigni had his firſt audience of the King September the 11th, eleven days only after Lord Clarendon was turned out.

eaſineſs

eaſineſs to the court of France, and to the Popiſh intereſt. This peace was owing to the ſame counſels which brought the King, at this time, into ſeveral meaſures that were evidently calculated for the public welfare. 1667.

Orders of Council againſt the Papiſts.

On the 11th of September, an * order of Council was publiſhed in the Gazette, taking notice of the great reſort of people to the chapels of the Queen, Queen Mother, and the Foreign Miniſters; and notice was given, that if any Britiſh ſubject (unleſs thoſe belonging to their families) ſhould repair thereto, the penalties and puniſhments ſhould be inflicted on them, which were provided by the law: "a "ſure indication that the Duke of York had not the aſcen-"dant in Council, and that the Popiſh intereſt was forced "to give way a little to an Engliſh and national one."

As another proof of this, the King ordered, that all Papiſts ſhould be removed from military employments, and that they ſhould even be turned out of the guards. He commanded, at the ſame time, that the forces which he had lately raiſed ſhould be diſbanded.

Canary Company diſſolved.

Many regulations were made by the Council, with regard to monopolies, and excluſive charters in trade, which had been obtained during the miniſtry of Lord Clarendon. † The Canary patent, in particular, was required to be given up, as it was, on the 18th of September, and the Company was diſſolved. On the 25th of the ſaid month, the ſurrender was advertiſed in the Gazette, and that "thereby all the liberties of the Company tending to a ſole "trade into the Canary iſlands were wholly diſſolved." On the ſame day, the King, in Council, ordered his procla-

* London Gazette. † London Gazette.

1667. mation to be iſſued out, for the calling in and revoking a proclamation of the 25th of May, 1665, for the due obſervance of the charter and privileges lately granted to the Governor and Company of Merchants trading to the Canary Iſlands; and, alſo, all other proclamations and orders whatſoever, relating to the ſaid Company, or whereby trade to the ſaid iſlands was in any wiſe prohibited or reſtrained; and for granting full and free liberty of trade to the ſaid iſlands, as was formerly uſed before that charter of incorporation *.

Company of Woodmongers proceeded againſt.

On the 20th of September, it was advertiſed, likewiſe, in the † Gazette, that the King, having taken notice of the many and great abuſes committed by the Company of Woodmongers, in the ſale and vent of fuel of all kinds, to the great oppreſſion of the poorer ſort, required them to ſurrender their charter. This, however, they ‡ refuſed; and, therefore, an order of Council was made and publiſhed, that the Attorney General ſhould proceed, by a quo Warranto, againſt the Charter; and, by information in the King's Bench, againſt the abuſes and exactions of the Woodmongers, for the miſuſal of their patent.

* The third article of the Commons impeachment of Lord Clarendon was, "That he had received great ſums of money for the procuring of the Canary patent, and other illegal patents; and had granted illegal injunctions to ſtop proceedings at law againſt them, and other illegal patents formerly granted."

† London Gazette.

‡ On the 7th of December, three days after Lord Clarendon's name was ſtruck out of the Council books, the Company of Woodmongers, as if ſenſible that they had loſt their principal friend and ſupport, ſurrendered their charter.

LONDON GAZETTE.

On

On the 27th of September, the King, by advice of the Privy Council, publiſhed a * proclamation, thereby revoking an order of Council, of October the 25th, 1665, for diſpenſing with the act of navigation, and giving liberty to merchants, and others, trading to, and having goods of Malaga, Alicant, and other foreign parts, to return and bring home their effects, notwithſtanding the act of navigation. As there was no clauſe in the act conferring ſuch a power upon the King, this was the firſt inſtance in his reign of ſuch an extenſion of the prerogative; and though it is paſſed over in ſilence by all our hiſtorians, was as unjuſtifiable as the diſpenſing power, in the relaxation of a penal law, which was exerted in the year 1672. The latter, however, being relative to eccleſiaſtical points, and in favour of toleration, was made a greater ſubject for clamour. 1667. An unjuſtifiable order of Council revoked.

Upon the 10th of October, the King acquainted the Parliament, that, at their laſt meeting, about eleven weeks ſince, he thought fit to prorogue them to this day; and that, "in the mean while, he had given himſelf time to do "ſomething which he hoped would not be unwelcome to "them, but be a foundation for a greater confidence be-"tween them for the future." The Lord Keeper, among other things, ſaid, "that as to the accounts of the moneys "given towards the war, which his Majeſty formerly pro-"miſed ſhould be given them, his Majeſty had commanded "his officers to make them ready; and, ſince that way of "commiſſion wherein he put the examination of them had "been ineffectual, he was willing the Parliament ſhould "follow their own method; to examine them, in what "way and as ſtrictly as they pleaſed; aſſuring them he "would leave every one concerned to ſtand or fall, ac-"cording to his own innocence or guilt; that if any juſt The King's popular language to Parliament.

* London Gazette. Journals.

"grievances

1667. " grievances had happened, his Majeſty would be as will-
" ing and ready to redreſs them for the future as they to
" have them repreſented; he not doubting but that they
" would give healing and moderate counſels, and imprint
" that known truth in his ſubjects hearts; that there is no
" diſtinct intereſt between the King and his people, but
" that the good of one is the good of both."

Theſe ſpeeches were * received with the general applauſe and ſatisfaction of both Houſes. It is remarkable that the laſt paſſage in the foregoing ſpeech was a favourite maxim of Lord Shafteſbury, often mentioned by him; and it was particularly delivered by him, at the ſwearing in of Lord Treaſurer Danby; when he told the Treaſurer, that none but mountebanks in politics would think of ſeparating the intereſts of the King from the people.

His meaſures highly approved.

What the King ſaid to the Houſes of Parliament was highly agreeable to them, as were the meaſures which he had taken. They returned their thanks, in particular, for his having been pleaſed to diſband the late raiſed forces, and to diſmiſs Papiſts from his guards, and other military employments; for cauſing the Canary patent to be ſurrendered, and vacated; and, more eſpecially, for his having diſplaced the late Lord Chancellor.

Triple Alliance.

The ſame honeſt, the ſame wiſe counſels, which had put the King upon theſe national meaſures, went farther; and laid a foundation for ſecuring the liberties of Europe, againſt the incroaching power of France; and for advancing and fixing the reputation of Charles, if he had been attentive to it himſelf. A ſcheme was laid for entering into a cloſer alliance with the States General, and, for that purpoſe, in

* London Gazette.

the

the beginning of January, 1667-8, Sir William Temple was sent for from his residence in the country, and immediately dispatched Ambassador to Holland. He acted his part with great address, and the States entered into the alliance without waiting for, or going through, the usual forms prescribed by the constitution of Holland. 1667-8.

The whole merit of this alliance has been generally ascribed to Sir William Temple, as if he had been sent into Holland in that hasty manner, without any design or scheme previously formed by the ministry at home: but few, who will be at the trouble of reflecting, can suppose he did not carry with him his instructions; or can imagine, that the States were not immediately sensible of the necessity of their taking this step, without his persuasions. They must have been instantly struck by the prospect of the great and general advantages which must result from such an alliance, and from the secrecy and dispatch with which it ought to be managed.

On the 19th of January, Sir William Temple brought from Holland the treaty; and, at the same time, the Count Dhona, Minister from the King of Sweden, arrived in England. A Committee of Council was immediately appointed, to settle with the Count, the articles of a * Treaty of Commerce with Sweden; and these being adjusted, Sweden, by this Minister, entered, as a principal, into the alliance lately concluded with Holland, from whence it came to be called the Triple Alliance. It has, ever since, been commemorated as the wisest step in politics, which was taken in Charles the Second's reign; the great end and design of it

* By the Council books it appears that Lord Ashley was one of this Committee.

being

1667-8. being to prevent the French § King's reduction of the Spaniſh Netherlands, which he had invaded, in the foregoing ſummer, upon the pretenſion of his Queen's title to Brabant, after the death of her father Philip the Fourth; though he had made a ſolemn and formal renunciation of the ſame upon his marriage with her.

New regulations for conducting public buſineſs.

As the greateſt part of the miſcarriages of King Charles's reign had been hitherto owing to the affairs of adminiſtration being conducted principally by one man, with the ſanction, perhaps, but without the advice of the Council, as was the caſe in the ſale of Dunkirk; nothing could be more acceptable to the nation than ſhewing that, for the future, every thing would have its due conſideration at that board. The following regulations were made for this purpoſe in the Council; and theſe were introduced with a preamble, which was intended to convince the public that the King was ſenſible, or, at leaſt, willing to have the people think he was ſenſible of his former error, in truſting the management of public affairs to the ſole direction of any one man.

The character and employment of a Prime Miniſter being highly diſagreeable to the Engliſh people, and repugnant to the Engliſh conſtitution; and being more adapted to an abſolute government, than to a free ſtate, and limited monarchy; on February the 15th, the following account was

§ This ſhews that a different ſcheme of politics prevailed in the Cabinet, from what had operated there a few years before; for Lord Clarendon either did not ſee, or was ſo negligent of any bad conſequences which might ariſe from the French King's becoming maſter of the Netherlands, that he urged it as an argument with Count d'Eſtrades, to induce his maſter to become a purchaſer of Dunkirk, that the poſſeſſion of this place would favour his invaſion of thoſe countries.

publiſhed

publiſhed in the Gazette, viz. " His Majeſty, continuing 1667-8.
" to purſue what he hath ſo happily begun for the better
" regulating his affairs for the future, and having, amongſt
" other important parts thereof, taken into his princely
" conſideration the ways and methods of managing mat-
" ters at the Council Board, on Friday, January the 31ſt,
" declared his pleaſure to the Board, that certain ſtanding
" Committees of the Council, for ſeveral buſineſſes, ſhould
" be henceforth eſtabliſhed, together with regular days for
" their aſſembling, viz.

" 1ſt. A Committee for Foreign Affairs, to which is,
" alſo, to be referred the correſponding with the juſtices of
" the peace, and other his Majeſty's officers and miniſters
" in the ſeveral counties, concerning the affairs of the
" kingdom, &c.

" To meet always on Mondays.

" 2d. A Committee for ſuch matters as concern the Ad-
" miralty and Navy, as, alſo, all Military Affairs, Fortifi-
" cations, &c. ſo far as they are fit to be brought to the
" Council Board, without intermedling in what concerns
" the proper officers, unleſs it ſhall be by them ſo de-
" ſired.

" To meet on Wedneſdays.

" N. B. The Duke of York did the ſame day preſide at
" this Committee.

" 3d. A Committee for the buſineſs of Trade, under
" whoſe conſideration is to fall whatever concerns the fo-
" reign plantations, as, alſo, what relates to the kingdom

1667-8. " of Scotland, and Ireland, with the iſles of Guernſey and " Jerſey.

" To ſit on Thurſdays.

" 4th. A Committee to whom are to be referred all Pe- " titions of Complaints and Grievances, to whom his Ma- " jeſty hath thought fit particularly to preſcribe that they " meddle not with property, or what relates to Meum and " Tuum; to which Committee his Majeſty is pleaſed that " all matters which concern acts of State, or of Council, " be referred.

" To ſit on Fridays.

" For the rendering which conſtitution the more effec- " tual, his Majeſty was pleaſed to declare, that, for the " future, as nothing is to be reſolved in Council, till the " matter hath been firſt examined, and hath received the " opinion of ſome Committee or other; ſo, on the other " ſide, that nothing be referred to any Committee, until it " hath been firſt read at the Board; with other wholeſome " rules, which are for the future to be ſtrictly obſerved *."

Regulations concerning navigation.

Immediately after the framing of this wiſe conſtitution, the King was adviſed to take another ſtep, equally agreeable to the people, and beneficial to the ſtate. The French King had been very aſſiduous, and been at a vaſt expence, in eſtabliſhing a navy; and our court had ſhewn great complaiſance, not only in aſſiſting him with ſhip-builders, but in permitting the Engliſh ſailors to go into his ſervice, for the inſtruction of his own. The late invaſion of the Netherlands was ſufficient to alarm the maritime powers.

* London Gazette, Feb. 6, 1667-8.

Upon

Upon this account, as has been ſaid, the triple alliance was made; and, in conſequence of this, a * proclamation was ordered, February the 7th, to be iſſued out, reviving, eſtabliſhing, ratifying, and publiſhing ſeveral rules and ordinances relating to navigation; among which one was, 1667-8.

" that no officer or mariner whatſoever, being his Majeſty's " ſubject, ſhould preſume to put himſelf into the martial " ſervice of any foreign Prince or State, or accept of, or " execute, any commiſſion of war, or letter of marque, or " repriſal from any ſuch Prince or State, or go in any mer- " chant or fiſhing voyage, in any ſhip or veſſel than ſuch " as belong to his Majeſty's own ſubjects, without leave " from his Majeſty, or his Royal Highneſs, his Majeſty's High " Admiral, in due form firſt obtained; and commanding " all officers, mariners, and ſea-faring men, in any ſuch " ſervice, to leave the ſame forthwith, and to get their ap- " pearance, and return to their native country, recorded " in the High Court of Admiralty, or ſome offices thereunto " impowered, upon pain of being reputed and puniſhed as " pirates; and ſuch as neglected to return upon this ſum- " mons, were, when they happened to come into any port " or place of his Majeſty's dominions, to be ſeized and " committed to the next gaol, till farther orders; and the " certificates thereof to be with ſpeed returned to the Court " of Admiralty, that the offender might be proceeded " againſt."

It is evident, by the defenſive alliance entered into with Holland, that this proclamation could not be deſigned to affect the States General; nor, indeed, could it affect them, as, from the great extent of their trade, and the long time they had been in poſſeſſion of it, they could be in no want

* London Gazette.

1667-8. of ſailors. Beſides this, the King declared to the Parliament, five days after, "That he had made a league defenſive with the States of the United Provinces; and, likewiſe, a league for an efficacious mediation between France and Spain; into which league the King of Sweden, by his Ambaſſador, offered to enter as a principal: that the conſequence of this new alliance would oblige him, for the public ſecurity, to ſet out a conſiderable fleet to ſea, and that he propoſed building more great ſhips: and that, for the ſettling a firm peace, as well at home as abroad, one thing more he held himſelf obliged to recommend to them, which was ſeriouſly to think of ſome courſe to beget a better union and compoſure among his Proteſtant ſubjects in matters of religion, whereby they might be induced not only to ſubmit quietly to his government, but, alſo, cheerfully give their aſſiſtance to the ſupport of it."

The King's declaration to Parliament, Feb. 12.

Particularly in favour of Proteſtant Diſſenters.

As the King had juſt entered into a defenſive alliance, for the ſupport of the common cauſe, and, in conſequence of this, propoſed to the Parliament the building a greater number of large ſhips, it is very evident that the proclamation for calling home the Engliſh ſailors, was calculated to obſtruct the ſchemes of France only, whatever the King's ſecret diſpoſition might be in her favour, and how generally ſoever the proclamation might be worded.

Reflections upon it.

The manner in which the King ſpoke to the Parliament was very remarkable, and plainly proves that it was ſuggeſted by that part of the Council who were friends to a toleration. The King had before expreſſed his deſire to have a power of ſhewing an indulgence to Diſſenters from the church of England; but the word, being general and unlimited, included the Papiſts, as well as the Preſbyterians, Anabaptiſts, and other Proteſtant ſectaries: and, indeed, in

in his ſpeech February 18, 1662-3, in which he wiſhed for this power of indulgences, he ſaid, "he muſt confeſs, there "were many of the Popiſh profeſſion, who having ſerved "his father and himſelf very well, he might fairly hope for "ſome part of that indulgence being ſhewn to them, as he "would willingly afford to others who diſſented from the "church." 1667-8.

Moſt of the other ſpeeches, from the beginning of this Parliament, breathed forth a perſecution of the Proteſtant Diſſenters; and all attempts to relieve them, or to diſtinguiſh them from the Papiſts, with regard to penalties, were looked on as proofs of enmity to the church; as if its only foundation could be laid on the ruins of profeſſors of the ſame faith. The promoting an union among Proteſtants was certainly the moſt effectual way of baffling the deſigns of the Papiſts, whoſe ſecurity conſiſted in the diviſions of the former, eſpecially when theſe diviſions were conducted and enlarged by the hands of power: for, whilſt the Proteſtants of different denominations were attentive only to their reſentments againſt each other, the public enemy of both purſued her points with greater ſecrecy and leſs interruption. This ſpeech, therefore, from the throne, recommending it to the Parliament to think of ſome courſe for begetting a better union and compoſure among the King's Proteſtant ſubjects, and thoſe only, ſhews that the Duke of York and his adherents in Council had not then the aſcendency.

Peace with Spain proclaimed.

On the ſame day that the King declared to the Parliament the alliance he had made with the States, the peace with Spain was proclaimed; and the King * acquainted the Houſes, that articles of commerce with Spain had been lately

* London Gazette.

ratified,

1667-8. ratified, by which the liberties of trade between the two crowns and their ſubjects were enlarged, and ſettled upon laſting foundations.

Order with regard to duelling.

The King was adviſed, about this time, to take a ſtep which could not but be agreeable to the ſober part of the nation, and wherein the Kings of France had, indeed, ſet him a good example; which was to ſuppreſs, as much as poſſible, the faſhion of duelling, then very prevalent, and a faſhion that called for the power of the crown to interpoſe, as it was generally fatal to the principals, and entailed, likewiſe, great miſeries on their families, by perpetuating diſcords between them. Accordingly, on the 25th of February, 1667-8, he ordered a ſolemn declaration to be entered in the * Council books, and that public notice ſhould be given, that he was reſolved, thenceforth, that upon no pretence whatſoever any pardon ſhould be granted to any perſon for killing of another in a duel, or rencounter; but that the courſe of law ſhould wholly take place in all ſuch caſes.

Theſe tranſactions in the Council, during this ſhort interval, in which ſo right and good a diſpoſition appeared for the Engliſh intereſt, are thrown together, that the reader may form his judgment, from whence they proceeded, and whoſe advice moſt probably prevailed at that time.

Enquiry into the ſource of the national meaſures.

Several of our hiſtorians, who have contented themſelves with extracting from one another, and have not duly conſidered the characters of thoſe who compoſed the Council, have aſcribed the national meaſures which were then taken chiefly to Sir Orlando Bridgeman, who was made Lord Keeper when the Earl of Clarendon was diſmiſſed from the

* London Gazette.

office

office of Lord High Chancellor; as if it muſt neceſſarily follow, that, ſucceeding Lord Clarendon in the poſſeſſion of the ſeals, though but the Keeper of them, he muſt ſucceed him, likewiſe, in all his intereſt and political power. Sir Orlando had never appeared in a higher light than as Chief Baron of the Exchequer, had never been verſed in affairs of ſtate, and was, at the delivering of the ſeals to him, ſo far advanced in years, that the reaſons given in the Gazette, for his diſmiſſion five years after, were his great age and infirmities. At the ſame time, there were ſeveral in the Council, men experienced in buſineſs, and capable of it, and among them Lord Aſhley, deſcribed even by his enemies, particularly by Father Orleans the Jeſuit, as a man of a vaſt genius, one of the greateſt England had produced for many years; penetrating, bold, and ſteady: but this merit is aſcribed to him only when any miſconduct is charged upon the miniſtry, and writers are at a loſs on whom to fix it; and then his character is raiſed, as if only to depreſs it the more. 1667-8.

The ſpirit which had appeared in the Council, in the foregoing inſtances, aroſe and operated from a full conviction and experience of the weak and unnational meaſures in which the King had been engaged; from the tendency of theſe, and of the King and ſome about him, towards Popery; from the dependence the King had been brought into, and was himſelf too much inclined to, on the King of France; and from the large ſtrides which that monarch was making in his ſchemes of depreſſing the houſe of Auſtria, and gaining the poſſeſſion of the Spaniſh crown.

Conduct of the French King.

The French King had, agreeably to the advice in Monſ. de Lyonne's memorial, poſtponed the war with Spain, till England and Holland had weakened each other, though not ſo much as he deſired; for the peace was concluded ſooner than

1667-8. than he expected. However, before the concluſion of it, and when he had reaſon to think that the two powers were very much exaſperated againſt each other, in the ſame June, 1667. month in which Admiral Ruyter, with the Dutch fleet, ſailed into the Thames as far as Chatham, and burnt ſeveral Engliſh ſhips lying there, he entered into a war with Spain; annulled (as is ſaid before) the Queen's * renunciation of her title to the Spaniſh monarchy; and, with a powerful and unexpected force, invaded the Netherlands, upon his Queen's pretenſions to Brabant, after the death of her father Philip the Fourth.

Though the French King took this criſis, when England and Holland were ſo warmly engaged againſt each other, to attack the Spaniſh Netherlands, which were unprovided for a ſufficient defence, he omitted no artifices, in order to make his way ſmoother to conqueſt. He had offered the Dutch to ſhare the Spaniſh Netherlands with them, which had been Cardinal Richlieu's ſcheme, and which the States then wiſely refuſed, though the province of Zealand was for accepting the terms. Wiſely did the States refuſe the offer; becauſe nothing could be more dangerous to the Dutch than an extenſive dominion, which muſt require proportionable ſupplies for its defence, and too much divert their attention from trade to war.

* Upon the French King's marriage with the Infanta of Spain, the Infanta had made a renunciation of all her pretenſions, titles, or claims whatſoever, to the Spaniſh monarchy and dominions thereof, or to any part of the ſame. To prevent any evaſions, it was drawn up in the ſtrongeſt terms, and with the moſt binding clauſes imaginable; it was ratified by the French King, and was the foundation of his marriage, as this was of the Pyrenean treaty, in which the act of renunciation was incorporated.

After

After the peace was proclaimed between England and Holland, in the month of Auguſt, 1667, and the diſmiſſion of Lord Clarendon in the ſame month; two blows which the French King did not expect; he ſent Monſieur Ruvigni to England, as mentioned before, to ſound the * diſpoſition of the Engliſh miniſtry; and to know whether they were not entering into a cloſer union with Spain, which he had reaſon enough to apprehend, from the treaty of commerce lately concluded. He exerted, likewiſe, his politics, and tried his utmoſt arts to engage the Engliſh court as a principal in the war with Spain. He propoſed the ſecuring to England Oſtend and Newport, on condition that the Engliſh fleet ſhould join with the French. Beſides the offer of theſe ports, he repreſented the advantages of attacking Spain in the Weſt-Indies, which would divide her forces, and render her incapable of reſiſtance. 1667-8.

Some of the miniſtry were for cloſing with this propoſal; but it was urged, on the other hand, that it would be attended with moſt pernicious conſequences: that our commerce with Spain would immediately ceaſe, and thoſe advantages would be loſt, which ſhe had granted by the treaty lately ratified at Madrid: that, if England ſhould gain Oſtend and Newport, France would ſoon be able to drive her out of them, when ſhe had got poſſeſſion of the reſt of the Netherlands: that ſhe only wanted to be miſtreſs of the principal ports there, to obtain an abſolute dominion of the ſea: that the ſale of Dunkirk had proved an irrecoverable misfortune: that, by our connivance, and even aſſiſtance, France had conſiderably increaſed her ſhipping; for whereas, not above three years before, ſhe had ſcarce twenty men of war, ſhe had now above treble that number, and was every

Reaſons on which the triple alliance was founded.

* Turenne's Memoirs.

1667-8. day with great application augmenting them: that, if ſhe was ſuffered to become a maritime power, ſhe would ſoon, by her wealth and induſtry, command the commerce of the Indies and of Europe, which it would be then too late to think of preventing: that England would only become the inſtrument of aggrandizing France, by uniting the Low Countries to her dominions; and either plunge herſelf into another war with the Dutch, who could never conſent to ſee ſuch ports in the hands of either England or France, or, at leaſt, would force Spain to offer a carte blanche to France: that it appeared, by Monſieur d'Lyonne's paper, that upon England's joining with Spain and the United Provinces, France would quickly deſiſt from her enterprize; and that Sweden, which had been ill treated by France, being weary of ſerving her intereſt, might be eaſily induced to act a proper part, in concert with England and the United Provinces: and laſtly, that ſuch an union with France, and another war with the Dutch, would raiſe and ſpread a general diſcontent throughout the nation. Theſe arguments prevailed; and a plan of a treaty was immediately formed, which Sir William Temple, as mentioned before, was ſent to the Hague to execute.

Terms of the treaty.

By this treaty, a defenſive alliance was made between the King of England and the States: they obliged themſelves to uſe their utmoſt endeavours to induce the French King to ſtop the progreſs of his arms in Flanders, and to leave it wholly to the Allies to procure the ends propoſed in the league. In caſe the French King ſhould reject the conditions propoſed to him, and purſue his conqueſts, it was agreed that the Allies ſhould join their forces with the Spaniards, in order to oblige him to comply with the terms of the Pyrenean treaty. It was agreed, likewiſe, that they ſhould uſe their endeavours to eſtabliſh a peace between Spain and Portugal, a war having ſubſiſted from the time that

that the Duke of Braganza had obtained the kingdom of Portugal, by the famous revolution of government which had taken place in that country. By ſuch a peace, Spain would be at greater liberty to withſtand the incroachments of France in the Netherlands. The Earl of Sandwich was ſent ambaſſador to the two crowns, and the negociations were ſo happily carried on, under the guaranty of England, that, about the ſame time the defenſive alliance with Holland and the peace with Spain were proclaimed, Sir Robert Southwell, Envoy to the King of Portugal, arrived in England, February the 19th, 1667-8, with the account of a treaty's having been concluded between Spain and Portugal, on the 13th of February, at Liſbon. 1667-8.

Peace between Spain and Portugal.

As the court of France had appeared, upon the firſt news of the removal of Lord Clarendon, extremely * jealous of England's union with Spain, it was juſtly alarmed at the concluſion of theſe ſeveral alliances; and, ſoon after, ſtruck up a peace with Spain, which was ratified at Aix la Chapelle May the 2d, 1668. The three Allies, England, Holland, and Sweden, were guarantees of the peace; and an Envoy from England was ſent to ſeveral Princes of Germany, to invite them into the guaranty.

Treaty of Aix la Chapelle.

France waited for a more favourable opportunity to carry her deſigns into execution; and, in the mean time, ſhe retained even by the terms of the treaty, a great part of her conqueſts. The maxim upon which ſhe conſtantly acted was, to make no ſcruple of breaking through any treaties, and to be the firſt to enter into a war, as hence ſhe was ſure to take her enemies unprovided, and to gain conqueſts at an eaſy rate; and then, at a peace, to affect a moderation,

Policy of France.

* Turenne's inſtructions to Ruvigni.

1667-8. in receding from part of her acquiſitions, in order to retain the reſt. By a ſteady adherence to this conduct, France has been extending her dominions ever ſince the reign of Lewis the Eleventh.

Another maxim which has, likewiſe, greatly contributed to the grandeur of France, has been to enter immediately into a treaty, when an union againſt her grows formidable. Thus ſhe conſtantly keeps her own intereſt in view, and conſtantly purſues it; making war without anger, and peace without friendſhip.

State of the Engliſh Council.

Though France ſecured ſome important acquiſitions by the treaty of Aix la Chapelle, the forcing her, in a manner, into the peace was no ſmall point gained; conſidering the inactivity of the court of Spain, and its inability to maintain a war; and conſidering the terms on which England and Holland, at that time, ſtood with regard to France: for England and Holland were both of them weakened by the conteſt with each other; and the King and the Duke of York were ſecret wellwiſhers to the French deſigns.

The end which was, in a certain degree, obtained by the treaty, might have been, and probably would have been farther purſued, if the oppoſition to the French intereſt could have been longer ſucceſsful in the Engliſh court. The Committee of Council which is firſt named in the regulation lately mentioned was that for foreign affairs. This came afterwards to be called the Cabinet Council; and the perſons that compoſed it were the Duke of York, Prince Rupert, the Duke of Buckingham, Duke of Ormond, Earl of Lauderdale, Lord Aſhley, Lord Arlington, Sir Thomas Clifford, and Secretary Morrice. They were ſoon divided into two parties. Prince Rupert, the Duke of Buckingham, Lord Aſhley, and Secretary Morrice, endeavoured to draw the King off from that ſtrict union in which he

he had been engaged with the court of France from the Reſtoration; whilſt the Duke of York and Sir Thomas Clifford laboured to carry him back into his former attachment to France; and in this they too quickly prevailed. They were ſupported by the counſels and money of France, and the King's natural bias turned him that way; a bias which was not a little ſtrengthened by his ſecret inclination to Popery, and the Duke of York's and Clifford's impetuous zeal for that religion. To this zeal the King's indolence, and, perhaps, fear made him too ready to ſubmit. What confirms this laſt ſuggeſtion, is, the ſaying of Sir Thomas Clifford himſelf; who, as he came out of the Houſe of Commons, when the members had been expreſſing their joy in the triple alliance, ſpoke aloud, "Well, for all this noiſe, "we muſt have another war with the Dutch before it be "long." 1667-8.

From whomſoever the firſt thought of the triple alliance proceeded, it was undoubtedly a wiſe and important ſcheme for the intereſts of this country, and of Europe in general. It is ſubmitted to the reader whether the following conſiderations do not render it ſomewhat probable that the deſign of it might be ſuggeſted by Lord Aſhley. He had the principal hand in drawing inſtructions for the treaty of commerce with Spain: he was, it is evident, in poſſeſſion of Monſieur d'Lyonne's memorial, and conſequently well acquainted with the ambitious deſigns of France, of the growing power of which he always expreſſed the greateſt jealouſy: he was, at that time, high in the favour of * the King, and had a great influence over him. Theſe conſiderations are ſtrengthened by the ‖ letter in the note, which is inſerted here,

* Some time before, the King had paſſed ſeveral days at Lord Aſhley's houſe in the country.

‖ "My Lord, Stockholm, January 1, 1672-3.
"THE choice of your Excellency's noble perſon to the Chancellor-"ſhip of England, hath rejoiced this whole kingdom, and eſpecially "me,

1667-8. here, though out of time, to ſhew the reputation which Lord Aſhley had acquired in the kingdom of Sweden.

Duke of York prevails at court.

From about this time the Duke of York's power in the court was undoubtedly the prevailing one, and, perhaps, it was ſo before, though the King would not permit himſelf to be carried on ſo precipitately as the Duke and Clifford wiſhed to have done. The Popiſh intereſt was working ſecretly, and in the dark; and the moſt prudent and effectual way to check and diſappoint it, was by countermining it, and cutting off thoſe ſprings from which it received its nouriſhment and ſpirit.

Our hiſtorians have ſaid that the whole of King Charles's revenue was diſſipated among his favourites and miſtreſſes; but, as the King was a ſecret Papiſt, it is not improbable that part of it was employed in promoting the Popiſh religion; and the following account may ſhew that the revenue of Ireland was diverted into that current.

Miſapplication of the Iriſh revenue.

There were great abuſes in the management of this revenue. Out of the money appointed for the civil and military

" me, by reaſon of the great obligations which your bounty hath laid " on me during my abode there. This preferment and dignity was " due long ſince to your high merits; and I do humbly aſſure your " Excellency, that it is generally believed here, the intereſt of this and " your nation will flouriſh under the wiſe conduct of ſuch a renown- " ed Chief Miniſter of State as you are. Wherefore I do find myſelf " in duty bound heartily to wiſh all proſperity to your weighty deſigns, " and to pray, with all reſpect imaginable, for the continuance of " your wonted favour to,

" My Lord,

" Your Excellency's moſt humble and moſt obedient ſervant,

" A. CRONSTROM."

eſta-

eſtabliſhment, large ſums had been applied for other purpoſes; and, particularly, for ſupporting, in a private manner, the Popiſh intereſt. This was ſuſpected by a conſiderable man in Ireland, who, being alarmed at it, thought neceſſary to communicate his ſuſpicions to ſome perſon in England that would have weight enough to remedy the grievance, and on whoſe abilities, and zeal for the Proteſtant cauſe, he might rely. Though unknown to Lord Aſhley, he, by means of Lord Conway, acquainted him with it. Lord Aſhley procured an immediate and expreſs order for an account of the receipts and diſburſements for ſeven years, ending the 20th of March, 1666; and, in the mean time, ſent ſome queries to Lord Conway, to which he deſired that proper anſwers and ſuch farther information as could be obtained might be conveyed to him by a private and truſty meſſenger. 1667-8.

Upon receiving the order from England, the accounts were huddled up. Great ſums, which had been raiſed for the year 1667, were anticipated, in order to ſtop the gaps in the accounts of the preceding years; and by theſe accounts it appeared, that though vaſt ſums had been paid, no reference was made to the eſtabliſhments by which they had been directed. Large payments, alſo, were ſet down as made on his Majeſty's letters, the Lord Lieutenant's orders, concordatums, and impreſs warrants, without any notice to whom they were paid, or on what conſiderations. Thus the Treaſury was almoſt exhauſted; and thirteen months arrears were due to the army, which raiſed a general diſcontent among the forces.

This ſtate of things rendered ſome of the moſt conſiderate men in Ireland very apprehenſive for the public; eſpecially, as they ſaw that the native Iriſh were ready to throw themſelves under the government of France. Nay, the Iriſh had

1667-8. had actually ſent, about this time, to France, an offer to deliver up their country into the hands of the French, upon condition of being aſſiſted with arms, money, and officers. The Duke of Ormond, Lord Lieutenant, was ignorant of the ſtate of the Treaſury, and had been kept ſo; for he had frequently ſaid, "he was in wardſhip under the Vice-Treaſurer." This, Lord Conway's friend, the author of the obſervations on the accounts, ſays, he had often heard the Duke declare. The obſervations are too large to be inſerted in this place; but the following letter, which Lord Conway ſent with them, is ſo material that it ought not to be omitted.

"My Lord,

Lord Conway's letter to Lord Aſhley.

"IN tranſmitting theſe papers to your Lordſhip, which "are to give you information upon thoſe I had the honour "to receive from you, I am obliged, in the firſt place, "to make my apology for the neglect, which ſeems to lie "upon me in the proſecution of your commands; but if "your Lordſhip pleaſe to remember what you enjoined "me, particularly to ſend them by a private hand, who "met with many delays, which the poſt would have "eſcaped, and that they went from me the 10th of December laſt, I hope your Lordſhip will excuſe me, as "well as the noble author of theſe obſervations, who diſpatched them in two days. I doubt not, but, as to the "ſubſtance, your Lordſhip will find them ſolid, rational, "and very ſatisfactory, though he paſſes over thoſe ſmaller "things I formerly obſerved to you, becauſe the payments "in the accounts are not made explicit. Your Lordſhip "may expect them, and much more to follow. I ſhould "have begged your Lordſhip to digeſt every particular of "theſe obſervations, and give yourſelf the trouble of comparing them with the accounts; but that I know your

"quickneſs

" quickneſs of parts will comprehend that at firſt ſight, 1667-8.
" which others cannot do without labour and pains, nor
" with it neither; and it is with theſe as with other ma-
" thematical demonſtrations, that every line and angle is
" to be obſerved, to make up a demonſtration.

" My aſſurance of your Lordſhip's public and generous
" ſpirit, gives me confidence, that you will intereſt your-
" ſelf in this affair, both upon account of the King's ſer-
" vice, and for the preſervation of the Proteſtants in Ire-
" land; who, we fear, are deſigned to be ruined, and that
" there is more intended than a private gain. I wiſh this
" may be carried on, without doing a particular prejudice
" to any man. We are now in Ireland full of apprehen-
" ſions of the French, and find cauſe to believe, that, to
" divert our aſſiſtance from their enemies, they are creating
" trouble for us, both in Ireland and Scotland. I cannot,
" with conveniency, wait on your Lordſhip till April next,
" but if I knew that my being there would be ſerviceable
" to you, it would haſten me very much.

" I humbly beg to receive a line from your Lordſhip, to
" be aſſured of your receipt of theſe papers; and my next
" requeſt is, that you would not ſhew them to any man:
" for, though they are not under the author's own hand,
" yet there are ſome words which are eaſy to be diſcerned
" by thoſe who know him; and I am ſure he would not
" intruſt them to any man but your Lordſhip. I wiſh I
" had better occaſion to ſerve your Lordſhip, that I might
" with zeal and fidelity obtain the title I am moſt ambitious
" to bear of,

" My Lord,
" Your Lordſhip's moſt obedient
" and moſt devoted ſervant,
" CONWAY."

Ragley,
Feb. 28, 1667-8.

1667-8. Lord Aſhley was zealous for the preſervation of Ireland. A great reformation was ſoon made in the government; the arrears of the army were ordered immediately to be paid; another Lord Lieutenant (Lord Roberts) was appointed; and a new eſtabliſhment was ſoon ſent thither, with expreſs orders, that no part of the revenue ſhould be applied to other uſes than what were expreſſed in that eſtabliſhment. By theſe regulations, and by this ſpeedy and critical enquiry, the Proteſtant intereſt in Ireland, and very probably that nation itſelf, was preſerved.

Reformation of the government of Ireland.

Remarks on Lord Conway's letter.

The letter from Lord Conway confirms what has been ſaid with regard to the Popiſh intereſt at court, and the ſecret workings of that faction in all the dominions of Great Britain; and ſhews that it had long been working, before there was any public appearance of it. It confirms what has been mentioned with reſpect to France, and her views of embroiling and amuſing the court of England, that ſhe might be more at liberty to purſue her conqueſts in the Netherlands. It coincides with the advice in Lyonne's memorial, and proves how extenſively France had laid her projects, and how indefatigable ſhe was in the purſuit of them. It ſhews, alſo, that Lord Aſhley was eſteemed by thoſe who were moſt acquainted with his actions, and who, therefore, were the beſt judges of his conduct, to be a true and active friend to the Proteſtant and Engliſh intereſt, and a ſtrenuous enemy to the ſchemes and power of France.

Lord Aſhley's manner of adviſing the King.

Among other methods, which Lord Aſhley took to draw the King off from his attachment to France, and to keep him ſteady in the true intereſt of England, he uſed his conſtant endeavours to make him acquainted with the ſtate of the nation, and the diſpoſition of the people. Though he laid before him his thoughts on all public affairs with great freedom, yet he did it with a becoming reſpect. He did not

not deliver his advice in a magiſterial way, which had been objected to Lord Clarendon, but with that inſinuating addreſs, which could not but carry with it a proper force to a man who was (as Lord Shafteſbury has ſaid in a character of him) the beſt bred of the age. 1667-8.

Memorial containing his ſentiments.

The following excellent paper is a proof that Lord Aſhley did lay before the King the ſtate of his affairs in this manner. It is, likewiſe, an evidence that he was early in his apprehenſions of the Romiſh religion, and in providing againſt its incroachments; that he continued in the ſame ſentiments he had before expreſſed, with regard to the act of uniformity, when he was for taking off the penalties, with regard only to Proteſtant Diſſenters; that he was for ſoftening the penal laws, which had been made in the beginning of the King's reign, and particularly the corporation act; and that he had already digeſted, in his thoughts, a method of keeping the Papiſts from all employments, civil and military, and which he found means afterwards, in 1672, of carrying into a law. The reader will, alſo, obſerve, that Lord Aſhley had the juſteſt notions wherein the proſperity of the trade and the true intereſt of England muſt conſiſt; and that he was inflexible in his ſentiments and concern for the religious, as well as civil rights of the people.

" May it pleaſe your Majeſty,

" WHEN I had the honour to wait on your Majeſty at " Windſor, you was pleaſed to enter into ſome diſcourſe of " the decay of land rents and trade, and the remedies of " of it; which hath given me the confidence to offer your " Majeſty theſe enſuing conſiderations of mine on that " ſubject; and if your Majeſty ſhall find in them but half " that weight of reaſon, which I am ſure they have of honeſt

1667-8. " zeal to your ſervice, I ſhall not doubt but you will par-
" don this my addreſs.

" 1ſt. I take it for granted, that the ſtrength and glory
" of your Majeſty, and the wealth of your kingdoms, de-
" pend not ſo much on any thing as on the multitude of
" your ſubjects; by whoſe mouths and backs the fruits and
" commodities of your lands may have a liberal conſump-
" tion, in proportion to their growth; and by whoſe hands
" both your Majeſty's crown may be defended on all occa-
" ſions, and, alſo, the manufactures of both your native
" and foreign commodities improved; by which trade,
" and your Majeſty's revenue, muſt neceſſarily be in-
" creaſed.

" 2dly. That of late years the lands of your kingdoms
" have been exceedingly improved, as to the production,
" by incloſing of waſtes, and manuring them to tillage and
" paſture; and, in the mean time, the number of your
" Majeſty's ſubjects, by the confluence of many unhappy
" accidents, has been extremely leſſened; for the late
" plague and war did (by a reaſonable calculation) ſweep
" away above two hundred and fifty thouſand perſons more
" than the uſual courſe of mortality would have done.

" 3dly. A conſiderable number of your Majeſty's ſubjects
" are conſtantly tranſported to the American plantations
" for ſervants; and who tranſport themſelves to thoſe and
" other parts, to enjoy the liberty of their miſtaken con-
" ſciences; and our products of lands thus increaſing, and
" the perſons decreaſing who ſhould make the conſump-
" tion of them, it muſt neceſſarily follow, that the value
" of our lands muſt be reduced to a diſability of maintain-
" ing the owners, and paying your Majeſty's neceſſary
" aids; and our manufactures become few, and ſo coſtly,

" that

" that they will not be tendered to foreign markets at such 1667-8.
" rates as our neighbours can afford them; whereby the
" merchant must lose the trade, and your Majesty the re-
" venue of it.

" If this be admitted to be the cause of the decay of rents,
" then, certainly, the recovery must be, by using all ra-
" tional and just ways and means to invite persons from
" foreign parts, to supply the present defect, and stop the
" drain that carries away the natives from us.

" In order whereunto, it is humbly offered to your Ma-
" jesty, whether any other expedient, whatsoever, will be
" effective to this great and good end, without granting
" that liberty in their religion, which every man is fond
" of: and, on what mistakes soever their profession be taken
" up, whether in point of blind zeal, or in point of repu-
" tation, they will hardly recede from it for any considera-
" tion, as we find by too sad experience of the many fac-
" tions, which the late unhappy times have made among
" us; whom no severity of law in the execution thereof
" can reclaim to the church of England.

" It seems to me, that the late act against conventicles
" hath put it out of question, that a toleration is lawful:
" for it tolerates any Dissenters from the church of England
" to worship God after a different manner, provided they
" do not assemble in a greater number than is limited by
" the statute; which limit, I suppose, was set on the single
" consideration of preserving the public peace. If public
" peace, then, may be preserved with it, it is not unlaw-
" ful to remove that pale, so far as may do the work of
" the present design, of retaining those Dissenters who are
" among us, and attracting others from abroad. And
" that a toleration may be made to consist with the public

" peace

1667-8. " peace and tranquillity of the preſent eſtabliſhed govern-
" ment both in church and ſtate, it is humbly pro-
" poſed,

" 1ſt. That no perſon whatſoever ſhall be admitted to
" bear any office eccleſiaſtical, military, or civil, of truſt
" or profit, but ſuch as can, by the legal teſt, approve
" themſelves Conformiſts to the doctrine and diſcipline of
" the church of England.

" 2dly. That no perſon whatſoever ſhall enjoy this pro-
" poſed liberty, but ſuch as ſhall, without the coercion of
" law, pay all tithes and duties, due from him to the
" church, pariſh, and poor.

" 3dly. That all perſons, of what ſeparate perſuaſion
" ſoever, who are members of any corporate town, ſhall be
" eligible to any corporation office, and required to give
" legal teſtimony of their conformity; and upon their re-
" fuſal thereof, be declared incapable to execute the office,
" and ſhall pay ſuch fine, and undergo ſuch penalties, as
" a Conformiſt is liable to, in caſe of his refuſal of the like
" office.

" 4thly. That in regard the laws have determined the
" principles of the Romiſh religion to be inconſiſtent with
" the ſafety of your Majeſty's perſon and government; and
" that thoſe fanatics of the fifth monarchy are profeſſed op-
" poſers of all human government; both of them may be
" excluded from this propoſed liberty.

" And with theſe limitations and exceptions.

" That all and every other ſort of Nonconformiſts may
" have liberty to aſſemble, for the exerciſe of their own
" manner

" manner of worſhip, in ſuch public places as the Noncon- 1667-8.
" formiſts can procure; and that the doors of the meeting
" places do ſtand open to all, while they are at their exer-
" ciſe of prayer or teaching.

" Theſe expedients may, as it is humbly conceived, rea-
" ſonably ſecure the public peace. But as, without this
" propoſed liberty, our deſired number of people will not
" be obtained, ſo this alone will not be effectual; becauſe
" men do and may enjoy it in other places; and, there-
" fore, they muſt be invited by other temporal advantages.
" In order whereunto, it is humbly propoſed,

" 1ſt. That a general act of naturalization may be paſſed,
" with this addition, that all and every artificer, or tradeſ-
" man, may freely exerciſe his art, or trade, in any part
" of the kingdom; provided, that if they ſettle themſelves
" in any city or town corporate, where their trades are put
" under a regulation, they become members of that com-
" pany, which is, or ſhall be erected for the government
" of them; and, either by the uſual oath or by bond, give
" ſecurity for their due obſervance of the ordinances, and
" by-laws of the ſociety; and that the ſociety be required
" to admit them for ſuch reaſonable fines as the magiſ-
" trates of the place ſhall think fit.

" And as theſe expedients may probably attract a multi-
" tude of merchants, and other people of inferior condi-
" tion, and trades; ſo there is yet one other, abſolutely
" neceſſary to the obtaining the acceſſion of men of eſtates
" and money, and that is:

" The making all real eſtates an infallible ſecurity to the
" purchaſer or lender; which is provided for by a public
" regiſter in moſt parts of Europe; and if your Majeſty
" ſhall

1667-8. " ſhall think fit to eſtabliſh the like here by your authority
" in Parliament, it is humbly conceived, that ſuch a me-
" thod may be propoſed, as, in a few years, may put
" mens eſtates beyond all ſcruple of their title, without
" prejudice to any honeſt man, and to the general good of
" all your Majeſty's ſubjects: and, no doubt, when ſuch
" ſecurity may be had for the purchaſer or lender, we ſhall
" need no other attractives, to bring from our neighbours,
" in foreign parts, a great addition of wealthy families to
" plant themſelves and their poſterity among us; when
" they may have a retreat into a well-tempered govern-
" ment, enjoy all the immunities, rights, and privileges of
" it as natives, together with the liberty of their conſciences;
" and fix themſelves in purchaſes of eſtates, in whoſe title
" they cannot be defrauded; and, likewiſe, make a greater
" intereſt of their money, than they can where they now
" are, on the like ſecurity."

Lord Aſhley, by his engaging addreſs, and vivacity in converſation, was highly agreeable to the King, who became hereby more readily diſpoſed to attend to the ſolidity of his judgment. Of this the King gave a remarkable proof on his meeting the Parliament, February the 10th, 1667-8, when he ſpoke in a different manner from what he had done before; by which it appeared that Lord Aſhley's remonſtrances had made ſome impreſſion on him: for, after acquainting the two Houſes with the triple alliance, he added, " * One thing more I hold myſelf obliged
" to recommend to you at this preſent; which is, that you
" would ſeriouſly think of ſome courſe, to beget a better
" union and compoſure in the minds of my Proteſtant ſub-
" jects, in matters of religion; whereby they may be in-

The King's declaration to Parliament.

* Lords Journals.

" duced

" duced, not only to ſubmit quietly to the government, but, 1667-8.
" alſo, cheerfully give their aſſiſtance to the ſupport of it."

Pigotry of the Commons againſt the Diſſenters.

The Commons, however, perſevered in their animoſity againſt the Diſſenters; and, as the act againſt conventicles had been only temporary, and was lately expired, they paſſed a bill, and ſent it up to the Lords, April the 28th, 1668, intitled, " An act, for the continuance of a former 1668.
" act, to prevent and ſuppreſs ſeditious conventicles;" and, on the 4th of May following, they ſent a meſſage to the Lords, to put them in mind of it: but, as the penal laws concerning religion had loſt their great advocate in the Earl of Clarendon, this bill was dropped in the Houſe of Lords.

Lord Aſhley's repreſentations to the King concerning trade.

As Lord Aſhley thought that a knowledge of trade was an eſſential qualification in a ſtateſman, and the protection and advancement of it one of his principal duties, he omitted no opportunities of repreſenting to the King its great importance. The King had an inquiſitive mind after knowledge, where his pleaſures did not interfere. Lord Aſhley ſhewed him that the intereſt of commerce, though formerly neglected, was become an expreſs affair of ſtate with France, as well as with Holland and Sweden: that France began to find trade of more conſequence towards advancing her power, than any army or territory, though ever ſo great; as it drew ſuch wealth along with it, and gained ſuch force at ſea by ſhipping: and, therefore, ſince the advantages of commerce were ſo well underſtood by our neighbours, it required more attention in our government: that commerce, as an affair of ſtate, was widely different from the mercantile part; this conſiſting principally in the knowledge of what goods are fitteſt to be exported from one place to another, and what commodities are moſt convenient to make returns in, and the nature and courſe of exchange;

1668. but that trade, as a point of policy and government, conſiſted of many articles:

In countenancing our merchants abroad, as the proper ſtewards, or purveyors, of the public ſtock, wealth, and intereſt of the nation:

In aſſerting thoſe privileges, immunities, freedoms, and exemptions of any kind, which, by the wiſdom and vigilance of any former age, have been gained or capitulated for:

In taking care of the juſt dealings of our merchants abroad, that the manufactures exported be without fraud, merchantable, and good; that the credit of them may be as current as our coin:

In endeavouring, as much as poſſible, to exonerate our own commodities of, and from, all ſuch taxes, and impoſitions abroad, as are diſcouraging to the trade of them; and in watching, and vigorouſly oppoſing, any new tax to be laid on them, different either from ancient cuſtom, or from the articles of commerce in force between any reſpective State, and England:

In conſidering, how, and by what means, we may, with moſt prudence, diſcourage and prevent any manufactures of our neighbours, which may be a prejudice to England; eſpecially, if any part of thoſe manufactures be dependent upon us, or upon any neighbouring State, or Prince, in amity with us:

In conſidering how to increaſe our own manufactures, and how to invite or reward the bringing in, or inventing of

of others; particularly, ſuch as are moſt neceſſary for us, or with which we may ſupply our neighbours: 1668.

In keeping a vigilant and conſtant correſpondence abroad, for carrying on the aforeſaid ends:

Laſtly, In giving all encouragement to the promoting of our fiſhery, and advancing our plantations, the increaſe of our ſhipping, and multiplying our ſeamen.

He told the King, that many of theſe things did not lie within the proſpect of the merchant, much leſs within his power, care, or conſideration; and, therefore, (the diſtinction being made between the magiſtrate's and the merchant's duty) he propoſed that, inſtead of a Committee of the Privy Council, a ſelect Council might be eſtabliſhed; whoſe employment ſhould be to take care of the welfare of our colonies, and the trade and navigation of the kingdom; to receive and conſider all propoſitions offered them for the benefit and improvement of commerce and navigation; and to preſent their opinion and advice upon the ſame to the King: that the Council ſhould conſiſt of ſuch gentlemen as would be more concerned in the generality of the trade of the nation, and the right management of it, than in the profit of any particular trade; which might poſſibly have too much ſway with private merchants: that their commiſſion ſhould be probationary, and that the powers of it ſhould not be continued above twelve months; by which the members might know, that unleſs they gave ſome evidence of their regard to the commiſſion, and of their proſecuting with diligence the deſign of the truſt, they muſt not expect to be continued. He drew up many regulations for this Council, and delivered to the King a * liſt of the perſons whom he thought

* The liſt, with the aforeſaid reaſons, is ſtill remaining among his papers.

1668. Council of Trade appointed.

beſt qualified for being members of it. Accordingly, from theſe perſons a choice was made of a Preſident, Vice-Preſident, and nine other Counſellors. Lord Aſhley's friend, the Earl of Sandwich, was appointed Preſident, with a ſalary of eight hundred pounds; the Vice-Preſident had ſix hundred pounds; and the others five hundred pounds each. The commiſſions were renewed from year to year, and the Earl of Sandwich continued Preſident.

Memorial of French merchants.

The French Ambaſſador, about this time, delivered a memorial to the King, ſigned by ſeveral French merchants, complaining, that the Cuſtom-houſe officers entered their houſes, and ſeized their ſilks, and other goods, for want of having paid duties at their importation; and that the officers were countenanced and protected, in their conduct, by Lord Aſhley, Chancellor of the Exchequer. The merchants inſiſted, that when the goods were once lodged in their houſes, they ſhould be privileged from a ſearch or ſeizure; but, this being contrary to the laws, ſuch a partiality could not be openly ſhewed them. The memorial, therefore, had no effect to the prejudice of Lord Aſhley. Whatever ſecret offence his conduct might give to the Engliſh court, it durſt not openly blame him for enforcing the laws; eſpecially, as the French faſhions were becoming very prevalent, to the great expence of the nation, the increaſe of luxury, and the the prejudice of our manufactures.

1669. ord Aſhley's nner of entaining the ince of ſcany.

It may not be improper here, to relate a circumſtance, which ſhews how far Lord Aſhley was from imitating the French cuſtoms. In this year Coſmo de Medici, the Prince of Tuſcany, came into England. He was received with all poſſible marks of diſtinction, and entertained by the principal nobility, particularly thoſe who belonged to the court. As many of them were great admirers of the French taſte, as well as friends to the intereſt of France, they had, with the

the ſervile maxims of that country, imbibed its luxury; and this eſpecially appeared in their tables. When Lord Aſhley invited the Prince, he gave him a ſplendid, but a truly Engliſh entertainment. His dinner was dreſſed entirely in the Engliſh manner, and he told his Highneſs, that he would not trouble him with any apologies: others might treat him like a Frenchman, his deſire was to entertain him like an Engliſhman. The Prince politely anſwered, "it was "the greateſt * compliment he could make him:" and, after he returned into Italy, he ſent Lord Aſhley, every year, a preſent of wine, as a teſtimony of his regard. 1669.

In the ſeſſion of Parliament, at the latter end of the year 1669, Lord Aſhley moved the Houſe of Lords, to take into conſideration the reaſons and grounds of the fall of rents, and decay of trade; the points, upon which he had before delivered his ſentiments to the King. A Committee, of which he was one, was immediately appointed for that purpoſe. After ſeveral meetings, they made a report, by the Earl of Eſſex, who had entered into a firm friendſhip with Lord Aſhley, that they thought the three following things adviſeable: Committee of Lords on the ſtate of rents and trade.

"That the intereſt of money ſhould be reduced from ſix "to four per cent:

"That a bill of regiſters ſhould be brought in:

* The Prince was ſo well pleaſed, that he deſired Lord Aſhley to give him the bill of fare, which he kept by him ſo long, that, when the late Lord Shafteſbury was at Florence in 1711, and Mr. Moleſworth, the Britiſh Miniſter there, went to make an excuſe for his not going to court, through his ill ſtate of health, the Prince, who was then Great Duke, ſhewed it to Mr. Moleſworth, and told him the ſtory.

"And

1669. " And a bill of general naturalization."

The two laſt reſolutions were readily agreed to, but the firſt being ſtrongly debated, Lord Aſhley and three other Lords were appointed to make choice of ſome of the ableſt perſons they knew, to give their opinions thereon before a Committee of the whole Houſe. The Committee, after the hearing, were, likewiſe, for the reduction, but the Houſe did not agree to the report.

The Earl of Eſſex made a ſubſequent report, from the Committee appointed to conſider of the reaſons of the decay of trade, " that it was their opinion, that ſome eaſe and re-" laxation in eccleſiaſtical matters would be a means of im-" proving the trade of the nation;" but, two days afterwards, on the 11th of December, the Parliament was prorogued.

1669-70. New act againſt ſeditious conventicles.

When the Parliament met again, on the 14th of February, the Houſe of Commons, to prevent any ſteps being taken to relax the laws in eccleſiaſtical matters, ſoon paſſed, and ſent up to the Lords, another bill to ſuppreſs ſeditious conventicles. This was debated by the Lords, for ſeveral days, in Committees of the whole Houſe; and in one of theſe, on the 21ſt of March, 1669, the King going unexpectedly into the Houſe, the Houſe was reſumed, till he told them, " † he " was come to renew a cuſtom of his predeceſſors, long diſ-" continued, to be preſent at debates, but not to interrupt " the freedom thereof;" and, therefore, he deſired the Lords to ſit down, and put on their hats: and from that time the King, as appears by the Journals, was almoſt daily 1670. in the Houſe, and ſat in his chair. The bill againſt conventicles, (probably by the influence of the King's preſence)

† Lords Journals.

paſſed

passed for a year; but when it was sent up to the Lords the next sessions, it never obtained a second reading. Nay, a motion was made for rejecting it, but this was prevented by a previous question. 1670.

The Lords, at that time, were accustomed, as they always had been, to sit regularly in their seats, which undoubtedly added weight to their proceedings; but, soon after, they broke through this decorum so far, that the King himself * took notice of it, and desired the Lords would, for the future, continue in their places, and not run about, and join in conversation during debates; which he thought unbecoming the decency and dignity of the House.

Increase of the Duke of York's influence.

The Duke of York's influence daily increasing, his favourites, who were all of his own religion, were the chief persons promoted. "‡ He had so powerful a party at "court, and so many creatures about the King's person, "that he was in a manner absolute there, and directed the "resolutions of the Council. Sir Thomas Clifford was the "chief person in the Duke's confidence, and was intrusted "with the most secret designs of the court." When he made the declaration beforementioned, "that we must "have another war with the Dutch," he spoke the sentiments and resolutions of the Duke of York, and the Popish faction; who now began to be more open in their proceedings, though from the very time of the Restoration they had been engaged in the same pursuit.

It is evident, from all our writers, that the two favourite points with the court were the establishment of an arbitrary power in the crown, and the introduction of Popery.

* Lords Journals. ‡ Rapin.

The

1670. The King was zealous for the firſt, and inclined towards the laſt: the Duke of York was earneſt for both; and, as his zeal and induſtry ſupplied the want of capacity, the King, from his natural indolence, truſted his brother chiefly with the management of theſe points, by which means he was himſelf left more at liberty to follow his pleaſures, and was ſcreened from the reſentment of the nation.

The King's arbitrary ſchemes.

The ſcheme of arbitrary power was formed from the politics of France, carried on by her inſtructions, and ſupported by her intereſt. From her were introduced thoſe two engines of power, luxury and corruption, which mutually ſupport, and increaſe each other. Though luxury is always repreſented as the mother of corruption, this as naturally tends to the improvement of luxury, which, beginning with the higher ranks of mankind, ſoon ſpreads, by the prevalence of example, through the body of the people. Each is ſufficient to poiſon the beſt conſtitution; but where they co-operate, their influence is as irreſiſtible as it is fatal. To promote the ſcheme more effectually, the Proteſtants were divided at home, and weakened abroad; the Church was armed with power againſt the Diſſenters, and the Diſſenters were afterwards indulged only with a view to widen the breach; while every act which enlarged this breach added ſtrength to the crown. In imitation of the French court, the King, ſoon after the Reſtoration, throwing off his confidence in the people, eſtabliſhed a large body of guards, and raiſed a great army in Scotland. The intereſt of France was ſupported abroad, in return for her aſſiſtance to the deſigns of the court of England. With the ſame view, the firſt Dutch war, in 1664, was entered into; as was, likewiſe, the ſecond, in 1672. The laſt has generally been moſt exclaimed againſt; but they had both of them the ſame tendency, and were owing to the ſame counſels.

The

1670.

The Cabal.

The whole management of affairs has been generally repreſented as centering in the five following perſons, Clifford, Arlington, Buckingham, Aſhley, and Lauderdale; the initial letters of whoſe names forming the technical word Cabal, it is probable, that the wit, which was thought to be in this conceit, gave birth to the opinion. Nothing can be more evident than that the Duke of York had the greateſt, if not the only influence in Council; and it ſhould ſeem that the Duke of Ormond muſt have had ſome ſhare in the conduct of affairs: for when the Duke of Buckingham was, three * years afterwards, examined before the Houſe of Commons, and was aſked by the Speaker, "which of the "miniſtry had got any great ſums of money," he only mentioned the Duke of Ormond and Lord Arlington, and ſaid of the firſt, it was upon record, that he had got five hundred thouſand pounds.

The common opinion of it erroneous.

It will appear, that the members of the Committee for Foreign Affairs, which has been commonly called the Cabinet Council, were far from acting in perfect harmony; that Lord Aſhley was not acquainted with all their ſecrets, and that he oppoſed many of their deſigns. Nay, at the very time in which the Cabal is ſaid to have been formed, the Duke of Buckingham and Lord Arlington were declared enemies, and were endeavouring to ruin each other. Biſhop Burnet allows that, in the latter end of the year 1668, they fell out; and Lord Aſhley, in a letter † 1669, to his intimate friend Sir William Morrice, who had lately reſigned the office of Secretary of State, hints at their diſunion, in the following words: "The Lapland knots are untied, and we "are in horrid ſtorms: thoſe, that hunted together, now

* January 14, 1673. † Vide Appendix.

1670. " hunt one another; but at horſe-play, the Maſter of the " Horſe muſt have the better ‖."

Dutcheſs of Orleans's viſit.

On the 19th of May, 1670, the Dutcheſs of Orleans, King Charles's ſiſter, came into England, and was met by the King at Dover. There a ſtricter union was ſettled between the crowns of England and France. A treaty was formed for the breach of the triple alliance, and for declaring war againſt the Dutch; and, to draw King Charles more readily into the ſnare, the French King engaged to aſſiſt him with fifty thouſand men, whenever they ſhould be demanded, for advancing his ſchemes in favour of Popery and arbitrary power at home.

This treaty, which was ſo threatening to the liberties of England, and, indeed, of Europe, proved more immediately fatal to the Dutcheſs of Orleans herſelf: for, upon her return to the French court, ſhe was poiſoned, as it was thought, in conſequence of the jealouſy of her huſband, and expired ſoon after in great torments.

Her death.

Duke of Buckingham's Embaſſy to France.

The Duke of Buckingham, who had hitherto acted in concert with Lord Aſhley, was ſent over to the court of France, with a compliment of condolance on the death of the Dutcheſs. As he was always unſteady in his conduct, he was ſoon loſt in the pleaſures, and dazzled with the honours with which the French court diſtinguiſhed him; went without reſerve into its intereſt; and concluded the treaty with France which had been entered into at Dover. Lord Aſhley, who was fearful of the Duke's conduct, and

‖ As the Duke of Buckingham was, at that time, Maſter of the Horſe, it is plain, that Lord Aſhley alluded to the enmity between the Duke and Lord Arlington, who had been declared enemies of the Earl of Clarendon.

appre-

apprehenſive of the deſign of his going, which was kept ſecret, wrote him a * letter immediately after his arrival in France; in which he conjured him to remember England, and not to negociate a peace with France, as he valued his honour, his head, and the Engliſh nation. 1670. Lord Aſhley's advice to him.

Lord Aſhley, with the ſame openneſs, acquainted the King, that he found ſuch a treaty was in agitation. He repreſented the fatal conſequences of it, and laid before him the great advantages of the triple alliance, the honour which he had gained by it in the nation, and in moſt parts of Europe; it being looked upon as the beſt ſecurity againſt the power of France. The King owned that ſuch a treaty was on foot, and, at the ſame time, declared he was determined not to recede from it. When, therefore, Lord Aſhley found that he could not prevail to break the treaty, he endeavoured to perſuade the King to make it as conſiſtent as poſſible with the intereſt of England. Lord Aſhley's repreſentations to the King.

He was always apprehenſive of the French growing powerful at ſea, and, in particular, was fearful of their fleets being acquainted with our ſeas and harbours, and of their ſailors being trained up and diſciplined in a manner under ours. He repreſented to the King the danger of this, and ſo far ſucceeded, that a peremptory inſtruction was ſent to the Duke of Buckingham to give up the treaty, if the Frenchſhould inſiſt on ſending a fleet to our aſſiſtance againſt the Dutch: but this, perhaps, was only to amuſe Lord Aſhley, and free the King from the uneaſineſs of hearing counſel which he diſliked; for that point was ſoon yielded to the French.

* This letter Mr. Stringer ſays he tranſcribed for Lord Aſhley into characters.

1670. Lord Aſhley was, likewiſe, at that time, and afterwards, very earneſt with the King to take the advice of his Parliament, before he entered into a ſecond war with Holland, but could not ſucceed. This was then ſo well known, that, when the Duke of Buckingham, on the 14th of January, 1673-4, was examined before the Houſe of Commons, he thought he could not juſtify himſelf in a better manner, than by ſaying he had joined in the ſame advice with Lord Shafteſbury *.

Papiſts openly favoured. Soon after the treaty with France was concluded, the court appeared more openly in favour of the Papiſts. Many of their prieſts came over, and were very aſſiduous in making converts; the number of whom increaſed every day. The Queen and the Duke of York publicly ſupported them, whilſt the King kept himſelf more reſerved.

Lord Aſhley diſcovers the King's religion. About this time, as Lord Aſhley, one day, accompanied by Mr. Stringer, was going to the Treaſury Chamber at

* The Duke ſpoke as follows: "My Lord Shafteſbury and myſelf "adviſed not to begin the war without the advice of the Parliament, "and the affections of the people. This was my Lord Shafteſbury's "opinion and mine, but not my Lord Arlington's. Then it was my "Lord Shafteſbury's advice and mine, ſo to order the war, as that "the French ſhould deliver ſome towns of their conqueſts into our "hands; an uſeful precaution in former times. My Lord Arlington "would have no towns at all for one year; and here is the cauſe of "the condition of our affairs: we ſet out a fleet with intentions to "land men in order to the taking of towns, the French army go on "conquering and get all, and we get nothing, nor agree for any "thing."

The Duke, after his ſpeech, had ſeveral queſtions propoſed to him by the Speaker. The eleventh was, "By what counſel was the war "begun without the Parliament, and thereupon the Parliament pro-"rogued?" The Duke's anſwer to this was, "My Lord Shafteſbury "and I were for adviſing with the Parliament, and averſe to the pro-"rogation."

Whitehall,

Whitehall, a meſſenger met him in the court, and ſaid, that the King deſired to ſpeak with him at Lord Arlington's lodgings. Thither Lord Aſhley went, and found that the King had dined in company with the Duke of Buckingham, the Duke of Ormond, and Lord Clifford, who all had drank very freely. The King was deſirous of Lord Aſhley's company, as his knowledge and vivacity in converſation rendered him always entertaining. Lord Aſhley thought this a proper opportunity (the King being heated with wine) to find out what he had for ſome time ſuſpected; whether Charles was inclined to Popery: he, therefore, engaged farther in the debauch than he was uſed to do, and artfully introduced diſcourſe and debates about religion. His deſign ſucceeded; for he diſcovered the King's ſentiments, and, the next morning, expreſſed to Mr. Stringer his trouble at the black cloud, which, he ſaid, was gathering over England. He declared, however, that he was determined to perform his part to prevent the impending danger. 1670.

His converſation with the Duke of Buckingham.

Not long after, the Duke of Buckingham, who, by means of the Counteſs of Shrewſbury, had ſeen the King at his devotion in the Queen's oratory, acquainted Lord Aſhley with it, adding, that the torrent could not be reſiſted; and, therefore, endeavoured to perſuade him to ſubmit, rather than ſtand againſt a flood which muſt overwhelm him. Lord Aſhley deſired the Duke to conſider what a diſhonour it would be, for one who had profeſſed the Proteſtant religion, to change it, whether from fear, or from worſe principles, for idolatry and ſuperſtition. He told him farther, that if he lived in Spain, and had there an opportunity of changing Popery into the Reformed Religion, he ſhould not endeavour it any other way than by bringing the people into it gradually; becauſe a ſudden alteration muſt produce the greateſt confuſions: much leſs ſhould he conſent in England to change that which he was ſatisfied was the true religion,

1670. ligion, and the beſt calculated to ſupport the civil rights of mankind, for a religion which, in every inſtance, was as deſtructive of theſe rights as it was falſe in itſelf; nor did he doubt but that ſuch an alteration would unite the people ſo cloſely, that their weight muſt ſink the greateſt men who ſhould attempt it: that he was determined to end his life in the Proteſtant religion; and, if his Grace would heartily join with him, and be ſteady in the ſupport of it, he ſhould make no queſtion of bringing the King back from the fatal path into which he had entered. The Duke, who was warm in every thing at the beginning, but had no principle of ſteadineſs, went out of the room, and returned ſeveral times, ſtarting ſo many doubts, that, at laſt, Lord Aſhley fell into ſome heat with him, and ſo they parted.

and with the Earl of Lauderdale.

The Earl of Lauderdale, likewiſe, informed Lord Aſhley of the ſame; and urged to him the diſcouragement under which any of the King's ſervants muſt act, who ſhould thwart him in point of Popery. But whether Lord Lauderdale did this from his own bias in favour of arbitrary power, or was ſet on to bring Lord Aſhley into the deſigns of the court, did not appear. As Lord Aſhley thought him firmly attached to the Proteſtant religion, he * expatiated upon the happineſs and benefits of it, and laid before him the dreadful conſequences which muſt attend any attempt to overturn it: but the Earl of Lauderdale had concerted his meaſures with the Popiſh junto, and with the Counteſs of Dyſart, from whom he had received his information, and whom he afterwards married. He deſired, therefore, Lord Aſhley to be paſſive at leaſt; but when he found he could not prevail, he left him abruptly; ſaying, "Well, my Lord, you "may do as you pleaſe:" and though he did not become a proſelyte to the Romiſh religion, yet his attachment to

* Mr. Stringer.

the

the court carried him into all its meaſures, however arbitrary, unjuſt, and oppreſſive, and however hurtful to the Proteſtant intereſt. 1670.

Lord Aſhley could not now depend on the aſſiſtance of any in the Council, except Prince Rupert, who was always hearty for the Proteſtant cauſe, and Mr. Coventry, who was made Secretary of State in the room of Sir John Trevor. He did, notwithſtanding, upon all occaſions oppoſe the counſels which prevailed; and ſet forth their dangerous tendency with ſuch ſtrength and force of reaſon, that the reſt of the junto could not inſpire the King with courage enough, to put them ſo boldly in execution, as the Duke and his friends deſired. Lord Aſhley's conduct in the Council.

Lord Aſhley endeavoured to fix the attention of the young nobility more upon the public than their youth, or the faſhion of the age, might induce them to; and if his advice was not always ſucceſsful, his politeneſs preſerved it from being offenſive. Among other perſons, he made a trial on the Earl of Rocheſter, whoſe parts might have rendered him an ornament of his country. He repreſented to him, that a miſapplication of his talents was an injury to the public; and that his courſe of life would be the ruin of his fortune, health, and reputation. Lord Rocheſter frankly replied, "My Lord, it is true, and I am obliged to you; but I "have really no other way of making my intereſt at "court." His advice to the young nobility.

Lord Aſhley had penetrated the whole deſign of the French King, who would be the only gainer by the late treaty. He ſaw, likewiſe, that his maſter, King Charles, was going to act a part, diſhonourable with reſpect to himſelf, and fatal with regard to Europe. When, therefore, he had done his duty, as a ſubject and a counſellor, in diſſuading Lord Aſhley's application to the Princes of Germany.

1670. ſuading the King from concluding the treaty, and in endeavouring afterwards to make it more advantageous, he carried his views farther; and found means to apprize ſeveral Princes abroad of it, and of the danger which it threatened. This information he gave, in particular, to the Elector of Brandenburgh, the Duke of Saxony, and other Proteſtant Princes of the Empire. He repreſented to them the neceſſity of their uniting againſt the power and ambition of France; and he ſhewed them that the French King's intentions were not limited to the over-running of Holland and Flanders; but were plainly to bring all Europe under his ſubjection, and to extirpate the Proteſtant religion.

Theſe Princes were well acquainted with the character and abilities of Lord Aſhley. The Elector of Brandenburgh knew that he had the principal hand in forming a treaty between King Charles and himſelf, ſoon after the Reſtoration. They all had reaſon to believe that Lord Aſhley had a perfect knowledge of the deſigns of the French and Engliſh courts: accordingly, they were alarmed at the intelligence which he ſent them, and ſoon after engaged the Emperor, and other States of the Empire, to enter into a league of common defence. Having, likewiſe, negociated an alliance with Holland and Spain, who were to ſupply them with money, a powerful army was formed in Germany, by which the French King was checked in the progreſs of his conqueſts, and his affairs were ſo entangled, that he could not aſſiſt King Charles with the fifty thouſand men, which he was engaged to do by the treaty at Dover. Lord Aſhley did not ſtop here: he took another method to obſtruct the meaſures of the court, to prevent a war with the Dutch, and to render the treaty ineffectual; of which the Journals of the Houſe of Lords produce the following proof *.

* The articles relating to this affair are among Lord Shafteſbury's papers.

When

When the Parliament met, on the 24th of October, the Lord Keeper, by the King's command, diſplayed the honour and advantages of the triple alliance; and he took notice, "That ſince the beginning of the laſt Dutch war, "the French had increaſed the number and greatneſs of "their ſhips ſo much, that their ſtrength by ſea was thrice "as much as it was before; and that, ſince the end of it, "the Dutch had been very diligent alſo in augmenting "their fleets: that in this conjuncture, when our neighbours armed ſo potently, even common prudence required that his Majeſty ſhould make ſome ſuitable preparations; that he might, at leaſt, keep pace with his neighbours, if not outgo them in number and ſtrength of "ſhipping: for, that this being an iſland, both our ſafety, "our trade, and our being, depended upon our forces at "ſea." 1670. Meeting of Parliament.

Though the two Houſes addreſſed the King, that the ſpeech delivered by the Keeper, might be printed along with his Majeſty's, it was not done: perhaps, becauſe the court was unwilling to expoſe the fallaciouſneſs of it to the public, or to be bound down to act even on the defenſive againſt France.

Though the greatneſs of France was uſed as an argument for getting a larger ſupply, it is certain that the Engliſh court had entered into a firm union with her; and had mutually and privately reſolved upon a war againſt the Dutch. The Parliament, not penetrating the deſign, was intent upon raiſing ſuch a ſum, as ſhould anſwer the exigencies repreſented. In order to this, a bill paſſed through the Houſe of Commons, for "an additional impoſition on "ſeveral foreign commodities, and for the encouragement "of ſeveral commodities and manufactures of this king-

1670. Bill for taxing ſugar

"dom." By this, among other things, a tax was to be laid on ſugars imported, and a grant of the tax, which, as it was computed, would amount to near one million two hundred thouſand pounds a year, was made to the King, for nine years.

Petition to the Lords againſt it.

Lord Aſhley, who knew the ſecret intentions of the court, endeavoured to defeat by art what he could not prevent by his advice. He engaged, therefore, a friend of his, Sir Peter Colleton, to procure a petition from the planters of Barbadoes to the Houſe of Lords, for an abatement of the tax upon their chief commodity. They petitioned accordingly, and repreſented that the ſugars would hardly yield ſo much to the planters, as by the bill they ſhould be obliged to pay to the King. The bill was referred to a committee, in which Lord Aſhley was the chairman, and a very active one.

1671. Report of the Committee upon it.

He made a * report to the Houſe on the 8th of April, 1671, that, having heard merchants and other perſons concerned, the committee had made ſome alterations and amendments in the bill; and, among others, one was for reducing the tax upon ſugars; to which the Houſe agreed. The Commons reſented the Lords intermedling with any bill for raiſing money; and the Lords unanimouſly reſolved to inſiſt on their privilege of abating any impoſitions, though they did not begin them.

Diſpute between the Houſes.

Many conferences paſſed between the Houſes, and the diſputes were carried to ſuch an height, that, on the 22d of April, the King prorogued the Parliament to the 16th of April in the next year; and thus this ſupply was loſt, which

* Lords Journals.

was

was intended as a fund to begin the war. Lord Aſhley thought that the court would not venture to engage in one, without a proper ſupply, or the ſanction of Parliament; and he knew that the Parliament would not readily enter into a war which was ſo generally repugnant to the ſenſe of the nation. 1671.

When Lord Aſhley made the foregoing report, he, likewiſe, reported an opinion of the Committee, that an addreſs ſhould be preſented to the King, that he would be pleaſed to encourage, by his example, the conſtant wearing of the manufactures of his own kingdom, and to diſcountenance ſuch perſons, men or women, in court, as ſhould wear any manufactures made in foreign countries; to which the Lords agreed, and, at a conference, deſired the Commons would join therein. Lord Aſhley thus endeavoured to reſtrain and prevent, under the ſenſe and influence of Parliament, that expenſive luxury in apparel which had been introduced from France, and which was becoming an epidemical evil. The Houſe of Commons joined with the Lords in the addreſs; to which, ſome time afterwards, (the day the Parliament was prorogued) the King gave an anſwer: "* That he had, in his own perſon, as little uſed foreign manufactures as any; that he would ſpeak to the Queen, and women about the court; and would comply with their deſire in diſcountenancing ſuch perſons as ſhould wear foreign commodities." This anſwer ſhewed that he was not perfectly pleaſed with the addreſs; and undoubtedly it was diſagreeable to the French faction in the court. Addreſs in favour of Engliſh manufactures.

As by theſe ſteps it appeared that Lord Aſhley was not in the confidence of the ruling party at court, the proroga- Parliament prorogued contrary to

* Lords Journals.

1671. tion of the Parliament was another proof of it: for this was contrary to his * advice, as was the treaty with France. The prorogation was from April the 22d, 1671, to the 16th of April, 1672, and afterwards, at ſeveral times, to the 4th of February 1672-3; ſo that it continued a year and nine months. This long receſs was deſigned to gain time for entering into the war with Holland; and that the blow might be ſtruck before the Parliament could take any meaſures to prevent it.

Lord Aſhley's advice.

The Junto imputed the loſs of the ſubſidy bill to Lord Aſhley, and repreſented him to the King as very troubleſome to them in their tranſactions. To purſue, however, more effectually the deſigns of the French treaty, a method was found out to ſupply the loſs of that bill; which was, by putting a ſtop to the payments out of the Exchequer, and ſecuring all the money that had been advanced upon the credit of any funds. This tranſaction was owing to the ſame counſels that promoted the war, and was calculated for the ſame deſtructive purpoſes.

Shutting up the Exchequer,

The declaration for this ſtop, to which the great ſeal was affixed by the Lord Keeper Bridgeman, was publiſhed January the 2d, 1671-2. The fatal conſequences attending this infamous act of power are too well known to be mentioned here; but, as ſome writers have boldly, and without authority, aſſerted that Lord Aſhley was the author of the advice, it will be neceſſary to enlarge upon the ſubject, and to ſhew that he was not only innocent of the charge, but an enemy to the tranſaction.

Not adviſed by Lord Aſhley.

* This appears by the anſwer of the Duke of Buckingham to the eleventh queſtion propoſed to him in the Houſe of Commons.

Sir

Sir William Temple does not even ſurmiſe his being acceſſary to it; for, in a * letter to his brother, Sir John Temple, dated May the 23d, 1672, he writes, "The "counſel of ſtopping the Exchequer was carried ſo ſecret, "that I do not hear of any man at court that had warning "enough to call in his money out of the banker's hands, "till Sir Thomas Clifford propoſed the thing in Council, "without other circumſtances than ſaying, that it was ne"ceſſary; the King muſt have money for the war with "Holland; that he knew no other way but this; and de"ſired none would ſpeak againſt it, without propoſing "ſome better and eaſier way." 1671.

Sir Thomas Clifford had made the ſame propoſal, in Council, the Midſummer before; at which time Lord Aſhley oppoſed it, and with ſo much vigour, that it was then laid aſide. Sir Thomas afterwards renewed it, and with that preface mentioned by Sir William Temple; upon which, Lord Aſhley drew up the following reaſons, to convince the King of the hardſhip, injuſtice, and ill conſequences of this ſtep. Theſe reaſons Mr. Stringer tranſcribed, and went with him to Whitehall, where he immediately attended the King, who took Lord Aſhley, with the Earl of Lauderdale and Sir Thomas Clifford, into his cloſet, where they continued about two hours. Lord Aſhley, on his return, told Mr. Stringer, he had once more ſtrenuouſly oppoſed that inconſiderate and oppreſſive ſcheme, but found he could do no good: however, he had left with the King his objections. Sir Thomas Clifford the author of the propoſal.

* Temple's Memoirs, vol. ii. fol. 311.

"REA-

1671. " REASONS againſt ſtopping the due courſe of " payment in the Exchequer.

Lord Aſhley's reaſons againſt it. " 1ſt. It is contrary to common juſtice among men, and, " alſo, to the law, and ſeveral ſtatutes of the realm.

" 2dly. It is againſt your Majeſty's conſtant promiſes; " and, eſpecially, your declaration of the 18th of June, " 1669, which ſays, that all funds, preſent and future, " ſhall be kept ſacred and inviolable.

" 3dly. It muſt amaze mankind, and will ruin thou- " ſands, amongſt whom are a multitude of poor widows " and orphans.

" 4thly. It will immediately cauſe the greateſt damp on " trade that hath been known; and ſo concerns your Ma- " jeſty's revenue conſiderably: all this money in the Ex- " chequer, and a greater ſum, being actually lending to " your Majeſty's ſeveral officers, as the Treaſurers of the " Navy and Army, the Chamber, Cofferer, Ordinance, and " Victuallers.

" 5thly. This poſt will carry it all over Europe, to the " great joy of your enemies, who know the uſe of credit; " and the crown of Spain can ſufficiently tell what the " abuſe thereof has coſt, which your Majeſty hath been " pleaſed often to mention as a great miſtake in that go- " vernment; though they never did any thing ſo high as " this; it being only upon the farmers of the revenue."

Lord Aſhley made out an exact ſtate of the receipts of the revenue, and, alſo, of the iſſues, both ordinary and extraordinary, for the ſupport of the government; and, upon a juſt

a juſt computation, he found that the advancing of three hundred thouſand pounds, and the payment of one hundred thouſand pounds monthly, into the Exchequer, would fully anſwer the public occaſions. This the bankers undertook to do, in caſe the payments might have continued in their due courſe; which he, likewiſe, laid before the King: but it did not agree with Sir Thomas Clifford's deſigns, who had too much influence to be baffled. 1671.

After the ſtop, the diſcontents and clamour of the people were as great as they were juſt. The Popiſh party at court, who projected this ſcheme, endeavoured to fix the infamy of it on Lord Aſhley; and a pamphlet, ſome time afterwards, was publiſhed for this purpoſe, which was ſent to him by one of his friends, as ſoon as it appeared; to ſatisfy whom, and to juſtify himſelf, he wrote the following letter. 1671-2. Is charged with being the adviſer of it.

" SIR,

" YOU gueſs very right at the deſign of the pamphlet " you ſent me. It is certainly deſigned to throw dirt at " me; but it is, like the great promoter of it, fooliſh, as " well as falſe. I am very well armed to clear myſelf, be- " ing able to prove what my opinion was of it, when it " was firſt propoſed to the Council: and if any man conſi- " ders the circumſtance of time, when it was done, and " that it was the prologue of making Lord Clifford Lord " High Treaſurer, he cannot very juſtly ſuſpect me of the " council for that buſineſs; unleſs he thinks me, at the " ſame time, out of my wits. Beſides, if any of the " bankers had inquired of the clerks of the Treaſury- " Chamber, with whom they are well acquainted, they " might have found, that Sir John Duncomb and myſelf " were ſo little ſatisfied with that way of proceeding, that, " from His letter in his own juſtification.

1671-2. " from the time of the ſtop, we inſtantly deſiſted from pay-
" ing, or borrowing of money. I ſhall not deny but that
" I knew earlier of the counſel, and foreſaw what neceſſa-
" rily it muſt produce, perhaps ſooner than other men;
" having the advantage of being more verſed in the King's
" ſecret affairs: but I hope it could not be expected, by
" any who do in the leaſt know me, that I ſhould have diſ-
" covered the King's ſecrets, or betrayed his buſineſs, what-
" ever my thoughts were of it.

" The worthy ſcribbler, if his law be true, or his quo-
" tations to the purpoſe, ſhould have taken notice of the
" combination of the bankers, who take the protection of
" the court, and do not take the remedy of the law againſt
" thoſe from whom they had the aſſignments; by which
" they might have been enabled to recover their money,
" and pay their creditors: for it is not to be thought that
" the King will put a ſtop to their legal proceedings in a
" court of juſtice. Beſides, if the writer had been really
" concerned for the bankers, he would have been freer in
" his diſcourſe againſt the continuing the ſtop in the time of
" peace, as well as againſt the firſt ſtopping of thoſe pay-
" ments in a time of war: for, as I remember, there were
" ſome reaſons offered for the firſt ſtop, which have a little
" colour of weight in them, viz. that the bankers were
" grown deſtructive to the nation, eſpecially to the country
" gentlemen and farmers, and their intereſt; that, under
" the pretence, and by the advantage of lending the King
" money, upon very great profit, they got all the ready
" money of the kingdom into their hands; that no gentle-
" men, farmers, or merchants, could, without great diffi-
" culty, compaſs any for their occaſions, unleſs almoſt at
" double the rates the law allowed to be taken: that, as to
" the King's affairs, they were grown to that paſs, that
" twelve

" twelve per cent. did not ſatisfy the bankers, but they 1671-2.
" bought up all the King's aſſignments, at twenty or thirty
" per cent. profit; that the King was at a fifth part loſs in all
" the iſſues of his whole revenue. Beſides, in ſupport of this
" counſel, I remember it was alleged by thoſe that favoured
" it without doors, (for I ſpeak only of them) that the King
" might, without any damage to the ſubject, or unreaſon-
" able oppreſſion upon the bankers, pay them ſix per cent.
" intereſt during the war, and three hundred thouſand
" pounds a year of their principal, as ſoon as there was
" peace; which, why it is not done, the learned writer, I
" believe, hath friends that can beſt tell him.

" I am, &c."

The laſt paragraph in this letter makes it evident, that Lord Aſhley thought the pamphlet was written by a friend of the court, and, perhaps, by one of the miniſtry; which ſhews that he was not admitted into their moſt ſecret deſigns; that there was no harmony between them; and that they thus early endeavoured to fix upon him the odium of their unpopular ſchemes.

What Lord Aſhley writes here with regard to the conduct of the bankers, he might probably ſay to ſeveral of his friends. The extortion of the bankers muſt have been notorious. However, it is plain, from the tenor of this letter, that he did not look on it as a juſtification of the ſtop, and that he had condemned and oppoſed the proceeding. It is poſſible he might ſpeak of the great extortion of the bankers, in the ſame manner as in his letter; and this might occaſion Biſhop Burnet's writing the following account of it, which is very remarkable. Remark on Biſhop Burnet.

" Lord Shafteſbury was the chief man in this advice.
" He excuſed it to me, telling me, what advantage the

1671-2. " bankers had made; and how juſt it was for the King to " bring them to an account for their uſury and extortions: " and added, that he never meant the ſtop ſhould run be- " yond the year. He certainly knew of it beforehand, " and took all his own money out of the bankers hands, " and warned ſome of his friends to do the like." After a poſitive aſſertion, that Lord Shafteſbury was the chief man in the advice, the Biſhop, in the ſame ſentence, ſays, that he muſt know of it beforehand. This is, to ſay the leaſt of it, a very incorrect way of writing; and a proof, that the Biſhop had not the greateſt certainty for his firſt aſſertion.

Duke of Ormond's declaration in favour of Lord Aſhley.

The Duke of Ormond, ſome time after, being in company where the ſtop of the Exchequer was the ſubject of converſation, declared, " that he wondered why people " accuſed Lord Aſhley of giving that advice; for he him- " ſelf was preſent, when it was firſt moved by Lord Clif- " ford in Council, and he heard Lord Aſhley paſſionately " oppoſe it."

Lord Aſhley's reply to Lord Chancellor Finch.

Some years after, when Lord Aſhley (then Earl of Shafteſbury) was entirely out of favour, * Lord Chancellor Finch, being attacked by him for ſome of his proceedings, inſtead of vindicating himſelf, only anſwered by way of recrimination; that he did not adviſe the breaking of the triple alliance; he did not adviſe the ſtop of the Exchequer; nor did he adviſe the making of the Dutch war. Lord Shafteſbury immediately replied with great coolneſs, appealing to the Lords of the Council, who were in the Houſe, whether theſe tranſactions were owing to his advice. He accuſed nobody, but ſpoke in ſuch a manner, that the whole Houſe ſeemed

* Lord Mohun told this to Mr. Stringer, the day when it happened in the Houſe of Lords.

convinced

convinced of his innocence. Upon this, Lord Arlington, who had no good underſtanding with the Chancellor, aſked the King, who was then preſent, which of the two had acted moſt reſpectfully towards him; ſince he knew how open Lord Shafteſbury could have laid thoſe affairs, and yet, under ſuch provocations, he only cleared himſelf, and ſtill kept the ſecret. Upon this, the King rebuked the Chancellor, for medling with the ſecrets of the Council in ſo public a place; and told him, he knew nothing of thoſe matters. 1671-2.

Farther vindication of Lord Aſhley.

The reader, if he recollects Lord Aſhley's conduct with reſpect to Mr. Holles, when accuſed in the Houſe of Commons, and what Mr. Locke ſays of him, "that he thought "every man was under an obligation to ſecrecy in private "converſation, though not aſked to it," will ſee, by the caution obſerved in the foregoing letter, (where he ſays, he will ſpeak only of thoſe who favoured the ſcheme without doors) and by his anſwer to the Lord Chancellor, that he ſteadily adhered to the ſame principles in his behaviour here; where, indeed, he was under a ſtricter tye, his oath in Council.

If he could have diſpenſed with this, and the obligation which he thought himſelf under to ſecrecy even on the ſmalleſt occaſions, he might eaſily, perhaps, have cleared himſelf to the world of the ſuſpicions raiſed againſt him, and have pointed out the authors of the pernicious counſels which had been given. But this obligation was ſo fixed a ſentiment in his mind, that nothing could ſhake it.

Principles of the Court.

Thoſe who conſider the conduct of the court can, however, be at no loſs to diſcover the ſpring of theſe counſels. From the beginning of King Charles the Second's reign, Popery was the principal agent; and though its operations,

1671-2. at first, were secret, its influence was always great, and its power constantly increasing. The zealots for it were inflamed with their design, and were fond of the most violent measures. The interest of France was promoted to advance that of Rome. The penal laws against the Dissenters, the division of the Protestants, the wars with Holland and league with France, the prorogations of Parliament, and the shutting up of the Exchequer, all came from the same fountain. They had the same tendency, the same air of violence; as was, likewise, the case with regard to the subsequent actions of this reign. Every thing was conducted with a view to carrying on the scheme of government begun at the Restoration, and settled by the treaty at Dover. For the effectually promoting of the scheme a French mistress of state was given to King Charles. By this means a door was opened for a more convenient access of the emissaries from France; the secrets of our counsels were better known, and discovered to the French King; and the severest of his commands were more softly conveyed.

As Sir Thomas Clifford was zealous for bringing in the Popish religion, the Duke of York adhered to his interest, and earnestly promoted him; so that Sir Thomas made his way to the chief ministry.

Declaration of indulgence.

By his advice, on the 15th of March, 1671-2, a declaration was published for suspending the execution of the penal laws against the Nonconformists and Recusants. This, Sir Thomas Clifford, who was a bold enterprizing man, proposed with a design to favour the Papists: his reason for it was, as he said, that, when the King was engaging in a foreign war, it was necessary to make all his subjects easy at home. Lord Ashley, who had as much boldness as Sir Thomas, but more sagacity, presently closed in with his proposal, but upon different views, as being in principles and

and intereſt diametrically oppoſite to him. Lord Aſhley was acquainted with the ſecret of the King's religion, and perceived that numbers of people were turning to it at that time. He knew that great multitudes frequented the chapels of the Queen, the Duke of York, and Foreign Miniſters, as well as many oratories in other houſes; and that they had underhand ſufficient liberty, and encouragement to profeſs Popery without obſtruction from any magiſtrates; ſo that it was, almoſt inſenſibly, increaſing very faſt in the kingdom. He thought it requiſite that the nation ſhould be alarmed in time, and informed who the perſons were that protected the Papiſts. He foreſaw the clamours which the public indulgence of them would raiſe, and knew that thoſe clamours would be the ſureſt foundation for an oppoſition to the intereſt which prevailed at court. His policy ſucceeded ſo well, that the moſt conſiderable Papiſts were, ſoon after, much diſturbed at the declaration. They thought that Lord Clifford had betrayed them, by ſetting them ſo open to view, when they got nothing by it, having before all the advantages, which they could expect without being obſerved; whereas this raiſed a ſtorm in the kingdom, which they were afraid would fall heavy upon them. The clergy were angry with regard both to the Diſſenters and the Papiſts. The public ſaw that it was principally deſigned in favour of the laſt; a circumſtance which, for a time, united all the Proteſtants, whether members of the eſtabliſhed church or Nonconformiſts, cloſely together. The pulpit exclaimed againſt the indulgence, and the Parliament afterwards fell upon it with vehemence.

1671-2.

Diſcontent occaſioned by it.

Some * reaſons, which Lord Aſhley gave openly to juſtify his being for the declaration, among others, were, "That

Lord Aſhley's reaſons in favour of it.

* Biſhop Burnet, ſpeaking of this declaration, ſays, "Bridgeman "refuſed to put the ſeals to it, as judging it contrary to law; ſo he "was

1671-2. " * That it was for the intereſt of the church of England: " for the narrow bottom they had placed themſelves upon, " and the meaſures they had proceeded by, were ſo con- " trary to the properties and liberties of the nation, that " they muſt needs, in a ſhort time, prove fatal to them; " whereas this led them into another way, to live peaceably " with the diſſenting and differing Proteſtants, both at " home and abroad, and ſo by neceſſary and unavoidable " conſequences to become the head of them all. ---- As to

" was diſmiſſed, and the Earl of Shafteſbury was made Lord Chan- " cellor." This carries an inſinuation that the ſeals were put to it by Lord Shafteſbury, and that he was made Chancellor for that purpoſe. What the Biſhop ſays, can be taken in no other light; but he was miſtaken in the fact; for Bridgeman did affix the ſeal to it, and Lord Shafteſbury was not made Lord Chancellor till eight months after the declaration was publiſhed. The following extracts from the London Gazette will render the matter undeniable.

" WHITEHALL, March 18, 1671.

" His Majeſty did, on the 15th inſtant, with the advice of his Privy " Council, iſſue a declaration for the maintaining of the church of " England in its doctrine, diſcipline, and government, as it is eſta- " bliſhed; and for indulging of Nonconformiſts and diſſenting per- " ſons (to which the reader is referred) in matters of religion."

" WHITEHALL, November 17, 1672.

" His Majeſty, reflecting upon the age and infirmities of Sir Or- " lando Bridgeman, Lord Keeper of the great ſeal of England, hath " thought fit to admit of his reſignation thereof, with all demonſtra- " tion, on his Majeſty's part, of his kindneſs and eſteem of the ſaid " Lord Keeper's merit towards him; and his Majeſty, willing to gra- " tify the uninterrupted good ſervices of the Earl of Shafteſbury, " Chancellor of the Exchequer, and one of the Lords Commiſſioners " of the Treaſury, was pleaſed this day to give unto him the keeping " of the ſaid great ſeal, with the title of Lord Chancellor of Eng- " land."

* A letter from a perſon of quality.

LOCKE'S POSTHUMOUS WORKS.

" the

" the Proteſtant religion, he ſaid, it was for the preſerving 1671-2.
" of that, and that only, that he heartily joined in the de-
" claration; for, beſides that, he thought it his duty to
" have care, in his place and ſtation, of thoſe he was con-
" vinced were the people of God, and feared him, though
" of different perſuaſions, he knew nothing elſe but liberty
" and indulgence which could poſſibly ſecure the Proteſtant
" religion in England. ---- As for the toleration of Popery,
" he could confidently ſay, that the Papiſts had no advan-
" tage in the leaſt, by this declaration, that they did not
" as fully enjoy, and with leſs noiſe, by the favour of all
" the Biſhops; and that it was the vanity of the * Lord
" Keeper, that they were named at all."

War declared againſt the Dutch.

On the 17th of March, 1671-2, two days after the appearance of this declaration, the King, by the ‖ ſame advice, publiſhed a declaration of war againſt the States General. This war had been concerted with the French King, who publiſhed his declaration, likewiſe, on the ſame day; and purſued his conqueſts with ſuch ſucceſs, that Holland was in the utmoſt danger of being loſt.

* By this expreſſion, it is apparent that Sir Orlando Bridgeman was not only for the declaration, but for granting in it an indulgence to the Papiſts.

‖ " Lord Clifford's violence in beginning the war, gave it an ill
" air in general, and a diſuſe of Parliaments a cruel maim in the
" chief ſinews of war."

Sir William Temple's Memoirs, tom. ii.

" It was ſo far ſet on foot by the Roman Catholic party, that it was
" called Lord Clifford's war."

Dr. Davenant's Eſſay upon the Balance of Power.

SECTION

SECTION IX.

From the breaking out of the Second Dutch War, to the time of Lord Shafteſbury's reſigning the ſeals of his office, as Lord Chancellor of England.

1672. Battle.

A LITTLE more than two months after the war had been declared with Holland, a battle was fought, on the 28th of May, between the Dutch and Engliſh fleets; in which engagement, beſides a number of other gallant officers, and perſons of diſtinction, died the brave Earl of Sandwich; who became careleſs of his life †, in conſequence of having been ſtung with an unmerited reproach that had been caſt on him by the Duke of York. He had lived in great friendſhip with Lord Aſhley, and joined with him in an oppoſition to that intereſt which the Duke ſupported. He ſaw the fatal tendency of the counſels which prevailed, and was ſo apprehenſive of the conſequences, that he uſed to tell his intimate friends, he believed the people of England muſt come to fighting again for their liberties.

Death of the Earl of Sandwich.

The nation diſſatisfied with the war.

The war with Holland was ſo repugnant to the true intereſt of England, that it raiſed great diſcontents in the nation; and the court was ſoon diſtreſſed for want of ſupplies to carry it on. As Lord Aſhley and Sir John Duncomb, from the time of the ſhutting up of the Exchequer, had deſiſted from paying or borrowing of money in the Treaſury,

† Columna Roſtrata, p. 217.

this

this was repreſented to the King as obſtinacy, and a deſire of obſtructing his affairs; and the ill conſequences of ſuch a diſunion were ſet before him in the ſtrongeſt light, to induce him to remove Lord Aſhley, or put the management of the Treaſury in a ſingle perſon. The King, however, who had a love for Lord Aſhley, and a confidence in his abilities, was the leſs angry with his conduct, becauſe he had ſtrongly oppoſed the ſtop of the Exchequer from the beginning. The Popiſh Junto, therefore, took a method to ruin him under the appearance of kindneſs; and adviſed the King to give him the ſtaff of Lord Treaſurer. They knew that the King, in conſequence of his religious principles, and the ſupplies which he received from France, was confirmed in the meaſures into which he had entered: and they were as ſenſible, that Lord Aſhley would be an enemy to theſe meaſures. They thought, therefore, that if he refuſed the ſtaff, he would incur the King's diſpleaſure, and probably be removed from his employments; and if he accepted it, they believed it would give the Parliament, and the public, an opinion that he was the chief, if not the ſole adviſer of thoſe unpopular counſels which had lately been followed; and, conſequently, that he would be forced into their ſchemes, and be obliged to ſerve them in Parliament.

1672.

Scheme to make the Earl of Shafteſbury Lord Treaſurer.

Though Sir Thomas Clifford had the white ſtaff in view, and the Duke of York's intereſt to gain it; yet, as he believed that Lord Aſhley would not be continued long in the poſſeſſion of it, he, likewiſe, concurred in the advice; eſpecially, as he ſaw the Parliament muſt meet to grant ſupplies for the war: and he thought that, after Lord Aſhley had been expoſed to the cenſure of the two Houſes, he himſelf might ſucceed him with the greater reputation.

The King approved of making Lord Aſhley Treaſurer, and, as a previous ſtep to it, advanced him to the dignity

The King offers him the white ſtaff.

1672. of the Earldom of Shafteſbury. When he afterwards made him an offer of the ſtaff, Lord Shafteſbury penetrated immediately into the deſign with which it was propoſed to him, and the difficulties that attended his accepting of it. He ſaw that the Exchequer was under a diſcredit, by a ſtopping of the payments; that it was, likewiſe, drained by the exceſſive expences of the court; that the King's credit for borrowing was abſolutely loſt; and that he was engaged in a war, contrary to the ſenſe of the nation. Lord Shafteſbury was ſenſible, at the ſame time, how potent his enemies were at court, and how great their influence was in the Houſe of Commons. He formed, therefore, at once his reſolution. He returned his thanks to the King for the honour deſigned him, but humbly begged to be excuſed, unleſs he might be inveſted with a ſufficient power of making peace with the Dutch. Upon this condition, he ſaid that he would readily accept of the place, and undertake to recover the credit of his Majeſty's Exchequer and affairs: but a compliance with this condition did not agree with the deſigns of the Junto.

declines epting it.

The more averſe he ſeemed to the place, the more earneſt they were with the King to preſs it upon him; and accordingly, his Majeſty reſolved to deliver it to him the Sunday following: but Lord Shafteſbury receiving, on Friday, ſome private intimations of the matter, * went out of town to Lady Northumberland's at Petworth, from thence to Mr. Norton's at Southwick, and thence to Mr. Noel's (afterwards Earl of Gainſborough) at Tichfield, whence he went to his own houſe in Dorſetſhire, where he ſtayed five or ſix

* Mr. Stringer writes, that he knew the whole of this to be true, becauſe he accompanied Lord Shafteſbury in the journey, who then told him his reaſons for it.

weeks.

weeks. Before his return to London, the affair was concluded, and the ſtaff determined to be given to Sir Thomas Clifford, who was willing to accept of it upon any terms. 1672. Given to Sir Thomas Clifford.

Whilſt the Junto were thus working in ſecret againſt Lord Shafteſbury, he was vigilant againſt the growth of Popery. He ſaw it ſpreading in the nation; that the root was fixed in the Duke of York, who was immoveable in his principles; and that the progreſs of it depended on the hopes of his ſucceſſion. He formed, therefore, a deſign to remove the Duke from the ſucceſſion, in a manner that would ſooth his ambition, be agreeable to his religion, add ſtrength to the intereſt of England, and be a ſecurity againſt the riſing greatneſs of France. Lord Shafteſbury's negociation with Monſieur Schrotter.

Lord Shafteſbury lived in friendſhip, at this time, with an ingenious perſon of the Saxon court, Monſ. Schrotter, whoſe father had been Chancellor to the Elector, and who was himſelf in great favour and confidence with that Prince. Monſ. Schrotter was employed by the Elector, in tranſacting ſome affairs of conſequence; and had an intimacy with his firſt miniſter, the Baron de Frieſen. He had, alſo, no ſmall intereſt in the Elector of Mentz, and kept up a conſtant correſpondence with him on the ſubjects of natural philoſophy and chymiſtry, which, at that time, were the favourite ſtudies of many of the great men in Germany, and even of the Princes themſelves. With this gentleman, Lord Shafteſbury concerted his * plan, which was drawn out by Monſ. de Schrotter in Latin, and delivered by him to Lord Shafteſbury, dated July the 11th, 1672, beginning with this obſervation, "that it was upon the buſineſs they had "been talking of three days before."

* Vide Appendix.

1672. As the Emperor of Germany had no ſon, nor the expectation of having any by his Empreſs, Monſ. de Schrotter undertook to engage the two Electors of Mentz and Saxony, to promote, by their intereſt with the Emperor, the marriage of the Duke of York with an Arch-Dutcheſs. The court of Vienna well knew that its chief hope lay in ſeparating England from the friendſhip of France, and that this was the trueſt method of limiting or weakening her power. As the Auſtrian Miniſtry could not but be ſenſible that in England the Duke of York was the chief ſupport of the French intereſt, and that the propoſed alliance would naturally draw him from it, it was thought that, for theſe reaſons, the Emperor would readily agree to the marriage, eſpecially when recommended by the Electors of Mentz and Saxony, one of whom was head of the Proteſtant, and the other of the Roman Catholic intereſt in Germany.

Monſieur Schrotter's plan.

Before a conſummation of the marriage, it would be neceſſary that the Duke ſhould be made a Prince of the Empire, that, inſtead of a portion in money, he might aſk of the Emperor a province upon the Rhine, near Alſatia, called * Briſcau, a province that would be uſeful upon many accounts, and which the Emperor would the more readily grant, as it lay remote from Vienna, and was much expoſed to the incurſions of the French.

To engage the Emperor, either to offer this province, or to grant it readily when aſked, it would be highly expedient to procure the intereſt of the Count de Zinzendorff, Firſt Gentleman of the Bedchamber to the Emperor, and his chief favourite, whoſe known covetouſneſs would render this eaſy to be effected; not to mention that the Count would otherwiſe be glad to gain the Duke of York's favour, who

* or Briſgow.

might,

might, in ſome urgent neceſſity, protect him againſt his numerous and powerful enemies at court. 1672.

By this marriage, by being a Prince of the Empire, and by poſſeſſing a province of Germany, the Duke of York might, in time, ſucceed to the Emperor's hereditary dominions; and thus the way would be opened to his being elected King of the Romans, and obtaining the Imperial ſeat. Unleſs, however, he was admitted among the States of the Empire, and declared a Prince of it, he could gain none of theſe advantages; as ſtrangers, by a fundamental law in Germany, are excluded from the Imperial throne.

In ſupport of this deſign, it was alleged, that no time or opportunity could ever happen more luckily for England's carrying it on: ſince, as a war from France ſeemed to be impending over the Spaniſh provinces in Flanders, and not only the Emperor himſelf, but the ſeveral States of Germany were in danger, it muſt be their common intereſt to chooſe a King of the Romans, and an aſſociate of the Empire; and to chooſe him from a nation, whoſe alliance would be of the moſt conſequence to them. Even thoſe Princes who inhabited the middle of Germany, and who ſeldom intereſted themſelves in the wars in which the extreme parts were engaged, would now, when their neighbours were ſubdued, and the French drew nearer to them, conſider their own condition, and would find it incumbent upon them, to grant their contributions for the ſupport of thoſe troops, which the Princes, whoſe territories lay upon the borders, were forced to maintain, for the ſafety and protection of their countries.

As, however, theſe contributions were always granted with the utmoſt reluctance, the Princes of Germany would readily embrace, and heartily promote, any ſcheme which might

1672. might remove the danger of the French, without bringing an expence and burthen upon themſelves. Now no way of doing this could appear to them more effectual, than by ſecuring the friendſhip of England, which could not but be firmly eſtabliſhed by their choice of the Duke of York for King of the Romans.

Laſtly, the Jeſuits, by whom almoſt all things are managed at the court of Vienna, would readily adhere to the intereſt of the Duke of York, as being ſenſible how firmly he was attached to their order.

This is the ſubſtance of Monſ. de Schrotter's plan: and, as France was, at that time, in the poſſeſſion of the Elector of Cologn's dominions; as it ſtood fair for an entire conqueſt of the Dutch and the Netherlands, and the Princes of Germany were in the utmoſt conſternation; the deſign might be conſidered as having ſome probability of ſucceſs. Nevertheleſs, it does not appear that Lord Shafteſbury took any farther ſteps in it, which might partly be owing to the complicated nature of the ſcheme itſelf, and, perhaps, ſtill more to the death of the Empreſs, and the marriage of the Emperor with the Archdutcheſs of Inſpruck; a circumſtance which opened quite another proſpect with regard to the ſucceſſion to the Empire.

The ſcheme dropped.

This plan diſplays, however, the activity and energy of Lord Shafteſbury's mind, and ſhews how early he was providing in his thoughts a ſecurity againſt the Duke's ſucceſſion to the crown of England; and how anxious he was to oppoſe thedeſigns of France upon Germany: for the French King had been concerting meaſures to get the Dauphin † elected King of the Romans, though the Dauphin

† Monſ. Patin's Letters, vol. iii. numb. 543, dated Paris, the 19th of December, 1671.

was

was but ten years of age, and the laws of the Empire required that the candidates ſhould be ſeventeen. 1672.

A great magazine of corn, ammunition, &c. was provided by the French King upon the Rhine; and he had an army there, of eighty thouſand men, under the command of the Prince of Conde, Marſhal Turenne, and Marſhal Crequi.

Lord Shafteſbury appointed Preſident of the Council of Trade.

As Lord Shafteſbury had always been zealous for ſupporting and extending the trade and navigation of England, and had attained an accurate and extenſive knowledge in every branch of it, the King, by a commiſſion under the great ſeal, dated September the 27th, 1672, appointed him Preſident of the ſelect Council for Trade, and for the care and improvement of the Plantations, in the room of his friend the Earl of Sandwich. Lord Culpeper was Vice-Preſident, and Lord Gorges, Lord Allington, Mr. Brounker, Sir Humphry Wynch, Sir John Finch, Mr. Walter, Mr. Slingſby, Colonel Titus, and Mr. Evelyn, conſtituted the reſt of the Council. Mr. Locke, by Lord Shafteſbury's intereſt, was made Secretary.

He is made Lord Chancellor of England.

Upon the reſolution to advance Sir Thomas Clifford, who was created a Baron, to the poſt of Lord Treaſurer, it was neceſſary to remove Lord Shafteſbury from being Chancellor of the Exchequer. As, therefore, the Popiſh intereſt could not yet prevail with the King to lay him aſide, they contrived that he ſhould be appointed Lord Chancellor, which place would give him a more public appearance of acting with them than any other, and in which they thought he could leaſt obſtruct their meaſures. Beſides, they were in hopes that he would ſink under the ſeals; for though, in his youth, he had been entered of Lincoln's Inn,

1672. Inn, he was never called to the † bar: they had no doubt, therefore, of his being ſo embarraſſed in this employment, that he would quickly loſe the reputation he had acquired. They thought, at leaſt, that the great buſineſs of his office would not ſuffer him to be ſo often, and ſo much with the King, to whom he gave his advice with an unuſual ſincerity and freedom. They were miſtaken, however, in the former part of their deſign: for he acquitted himſelf ſo well in his high ſtation, he heard cauſes with ſo much patience,

The manner in which he ſuſtained his office.

† There are ſome excellent pictures of him in his robes, as Lord Chancellor, drawn by Greenhill. One is in the preſent Earl of Shafteſbury's collection, one in the Duke of Dorſet's, another in Earl Cowper's, and a fourth in the Governor's room at the Charter-Houſe. In theſe pictures, he is drawn in a brown gown, inſtead of a black one. This diſtinction of dreſs the late Lord Chancellor Cowper ſaid, was, becauſe Lord Shafteſbury had never been called to the bar.

The following copy of verſes, written by Mr. Locke, may be ſome entertainment to the reader. They are in Mr. Locke's hand-writing, among other poetical performances of his, and, by the corrections in the manuſcript, are evidently his firſt thoughts. They were addreſſed to Mr. Greenhill, with Cowley's Poems, in the year 1672, at which time the pictures were drawn.

To Mr. Greenhill, with Cowley's Poems.

COWLEY ſo writ, that eaſy 'tis to ſee,
In him the ſhapes of men and ſymetry;
Thy pictures are ſo drawn, in them we find,
The inward make and temper of the mind.
Thus both the arts of fiction in you,
Ceaſe to deceive, and are as nature true;
For in your matchleſs pieces may be ſeen,
Strength, vigour, beauty, humour, life, and mien;
Which when we view, and ſadly find that they,
Are than ourſelves leſs ſubject to decay;
We think ourſelves, the ſhadows which do fade,
And ſhould be loſt, but for your timely aid:
But to preſerve, and make us laſting men,
Fate gave to thee thy pencil, him his pen.

and

and made his decrees with ſuch diſcernment and juſtice, that * few or none of them were afterwards reverſed; and his character became more firmly eſtabliſhed than ever. As his affability, quickneſs, and judgment rendered him agreeable in the court where he preſided, the peculiar magnificence in which he lived, and the dignity with which he ſupported his office, gained the reverence of the public; ſo that he acquired an authority equal to his power. 1672.

His ſpeech at ſwearing in the Lord Treaſurer Clifford.

When Lord Treaſurer Clifford took the oaths before him, Lord Shafteſbury made an elegant ſpeech, in which were great encomiums upon the King; whoſe natural diſpoſition he much commended, applying to him the character of the Emperor Titus, DELICIÆ HUMANI GENERIS. He put Lord Clifford in mind of his illuſtrious anceſtors, as an incitement to his acting honourably in his ſtation; and, by way of inſinuating his advice, he concluded with a wiſh, "that he might exceed all his predeceſſors in that place; "the abilities and fidelity of the renowned Lord Burleigh; "the ſagacity, quickneſs, and great diſpatch of his ſon the "Lord Saliſbury: and the uprightneſs, integrity, and wiſ-"dom of that great man that went laſt before him, the "Earl of Southampton."

As Lord Shafteſbury, in this ſpeech, teſtified his reſpect for the memory of his friend and relation, Lord Southampton, he, likewiſe, ſhewed that he had no reſentment againſt Lord Clifford, for obtaining the firſt place in the miniſtry. At the ſame time, in a delicate manner, he gave him a hint of his knowing the deſigns which had been formed againſt himſelf, by the Duke of York and Lord Clifford; for, ſpeaking of the King, he ſaid, "no ſubtle inſinuations of any

* Mr. Stringer ſays, he was informed by ſome gentlemen of the law that none of Lord Shafteſbury's decrees were reverſed.

1672. " near him, nor the aſpiring intereſt of a Favourite ſhall " ever prevail againſt thoſe that ſerve him well. Nor can " his ſervants fear to be ſacrificed to the malice, fury, or " miſtake of a more ſwelling popular greatneſs."

Lord Shafteſbury's integrity as Chancellor of the Exchequer.

Lord Shafteſbury had been Chancellor of the Exchequer above eleven years; and, after the death of Lord Southampton, he was one of the Commiſſioners of the Treaſury; both which truſts he diſcharged with remarkable integrity. He made no private advantages, though he might have had ſuch extraordinary opportunities, by the farming of the revenue, whilſt he was Chancellor of the Exchequer. Nor was he ever charged with any miſapplication of the public money, or with obtaining any grant for his own benefit. He was always for promoting a greater frugality than was agreeable either to the King or thoſe about him. The King, however, retained a kindneſs for him, as he took delight in his converſation; and was not more pleaſed with his judgment on ſerious occaſions, than with his wit at other times. Lord Shafteſbury was as diſtinguiſhed for the brightneſs and readineſs of his turns, and the quickneſs of his repartees, as any of thoſe who had the character of being only wits. Though he ſeldom or ever began the attack, he always ſo well defended himſelf, that the aggreſſors were willing to quit the field to him.

The King pleaſed with his converſation.

Inſtances of his wit.

The King, who had a great ſhare of wit, loved it, likewiſe, in others; and was ever ready to forgive a jeſt, though retorted on himſelf. One day, as Lord Shafteſbury was coming into the preſence, the King ſaid aloud to the Queen, " Here, madam, is the greateſt whoremaſter in England:" Lord Shafteſbury, bowing to the Queen, gravely replied, " Of a ſubject, madam." Another time, the King being at dinner at Lord Shafteſbury's, the Duke of Lauderdale, going out of his ſphere, attempted to play upon Lord Shafteſ-

Shafteſbury, and in a manner which did no great honour to his wit, or politeneſs. I think, Sir, ſaid he to the King, there is a very good ſaying, "that fools make feaſts, and "wiſe men eat them." There is another, ſaid Lord Shafteſbury, as good, "Wits make jeſts, and fools repeat "them:" upon which, the King, turning to the Duke, ſaid, "I hope you will take my advice for the future, and "know your men before you endeavour to be witty on "them." 1672.

Writs iſſued for electing members before the meeting of Parliament.

Immediately after Lord Shafteſbury had received the ſeals, he was commanded by the King to iſſue writs for electing members of the Houſe of Commons, before the meeting of the Parliament, in the room of others who were deceaſed.

This not a new proceeding.

Biſhop Burnet, willing to load Lord Shafteſbury with the weight of this proceeding, ſays, "he reſolved to recom-"mend himſelf to the confidence of the court by a ſtrain "never before thought of." The ſame thing, however, had been done in the three preceding reigns.

Practiſed in Queen Elizabeth's reign.

In Queen Elizabeth's reign, ſeveral writs were iſſued out, in time of prorogation, by Sir Nicholas Bacon and Sir Thomas Bromley, Lord Chancellors, for electing members, not only in the room of thoſe who were dead, but of others who were living, but could not attend, by ſickneſs, or abſence in the Queen's ſervice abroad. Particularly, on the 19th of January, 1580-1, the * affair being controverted in the Houſe of Commons, it was determined, that ſeveral members, choſen by writs iſſued by the Lord Chancellor, during a vacation, in the room of other members who were not dead, but only ſick of durable diſeaſes, as agues, &c. or abſent in her Majeſty's ſervice abroad, ſhould be received

* Dewe's Journals.

1672. and allowed. Nevertheleſs, on the 18th of March afterwards, being the laſt day of that ſeſſion, it was adjudged to the contrary, that ſuch members as were chōſen in the room of others, who were ſtill living, ſhould be excuſed in having ſat there till that time, but be thenceforth diſcharged from their places; with ſome exceptions however, where the old members appeared to be incurable; but no order was made againſt the members choſen by the Chancellor's writs, in the room of ſuch as were deceaſed. The Commons, however, to aſſert their ancient right, at the ſame time, reſolved, that, during the time of the ſitting of Parliament, there ſhould not any writ go out without the warrant of the Houſe, firſt directed for the ſame, to the Clerk of the Crown, according to the ancient juriſdiction and authority of the Houſe.

In James the Firſt's reign.

In the ſecond and third years of the reign of King James the Firſt, when Lord Elleſmere was Lord Chancellor, ſeveral writs were iſſued during prorogations, and on the 5th of November, 1605, * a Committee of the Houſe of Commons was appointed to make an enquiry into them. But there were no farther proceedings, by the Houſe, during that ſeſſion, upon the affair; and, therefore, in the two following years, the Lord Chancellor continued to iſſue the writs in the ſame manner.

In Charles the Firſt's reign.

The Parliament, which began in the third year of King Charles the Firſt, was prorogued, from June the 26th, 1628, to the 20th of October, and farther prorogued to the 20th of January; during which prorogations, ſix writs were iſſued by the Lord Keeper Coventry. But on the 21ſt of January, a queſtion being moved about the Lord Keeper's making out writs in time of prorogation, it was referred to

* Commons Journals.

the

the Committee of Privileges to conſider of it; who, on the 4th of February, made a report, "That the Clerks of the "Crown Office had brought precedents, appearing in their "books from the 14th of Elizabeth, whereby it appeared, "that, in the prorogations of the Parliament, from the "14th to the 23d of Elizabeth, forty-ſix writs had been "iſſued; and in King James's reign (beſides what were "iſſued in prorogations) two writs were made out in the "time of adjournment; and that the Clerks even claimed, "in times of prorogation, to make out writs of courſe, "without order from the Lord Keeper: yea, that they had "done ſo ſometimes, in times of adjournment." The Committee, therefore, left the matter to the Houſe, without any opinion of their own. The Houſe came to no general reſolution againſt the Lord Chancellor's granting of writs, but ordered a warrant, under the Speaker's hand, for a ſuperſedeas, to diſcharge one of the ſix writs abovementioned, viz. for Hertford, in the room of Sir Charles Morriſon, and for a new writ to be iſſued inſtead thereof. 1672.

In this very Parliament of King Charles the Second, before Lord Shafteſbury was Chancellor, a method was introduced in the Houſe, which directly tended to countenance the like attempt in the Crown: for, in the ſeſſions of 1669 and 1670, the Commons, inſtead of ordering their Speaker to iſſue his warrant to the Clerk of the Crown, only ordered, that the Speaker ſhould certify the vacancy to the Lord Keeper, deſiring him, that a writ might iſſue forth under the great ſeal, for the election of a new member.

Lord Shafteſbury's views in ſubmitting to iſſue the writs.

The King and his brother (by whoſe influence he chiefly acted) were intent upon reviving, by degrees, every claim or pretence of prerogative; and, therefore, when the way was artfully paved to it by engaging the Commons to certify

1672. tify the vacancies to the Lord Keeper, it was put upon Lord Shafteſbury to bring the affair to a concluſion, thereby to eſtabliſh this power in the crown; or, if the deſign failed, to expoſe him to the reſentment of the Houſe. Lord Shafteſbury was obliged either to obey the King's command, or to reſign the ſeals, which he had juſt received, and, by ſo doing, entirely to break with the King. This he was unwilling to do, whilſt the leaſt glimpſe of hope remained, of diverting him from thoſe dangerous meaſures in which he was engaged.

Lord Shafteſbury ſaw the great progreſs of Popery; he knew the influence which the profeſſors of it, and the agents of France, had in the Council; and that the affairs of the public were running into confuſion: he was, therefore, determined to ſtand in the breach as long as poſſibly he could. He was ſatisfied that the Commons would aſſert their ancient juriſdiction, and was ſenſible that a ſpirit raiſed in one point would ſpread and exert itſelf in others.

His conduct underſtood in the Houſe.

His conduct was underſtood by many in the Houſe: for Sir Thomas Littleton, Mr. Powle, and others, who puſhed on the inquiry into the affair of the writs, were his particular friends, and the former was one of the Tellers for the Yeas, for a Committee to be appointed to inſpect the precedents. The Commons reſolved, that all the elections upon the writs, iſſued ſince the former ſeſſion, ſhould be void; and that Mr. Speaker ſhould iſſue out his warrant to make out new writs for thoſe places: but, in their reſolutions, there is not a ſingle word which carries any kind of cenſure or reflection on the Chancellor.

Lord Clifford and the reſt of the Junto, who were enemies to Lord Shafteſbury, had, before the meeting of the

1672-3. Parliament, engaged their friends in the Houſe to attack him,

him, upon his granting warrants for the writs *; but Lord St. John, (afterwards Duke of Bolton) Lord Ruſſel, Sir Thomas Littleton, and other members of the country party, were deſirous of preſerving him in his ſtation, as the only man then at court able to ſtem the Popiſh intereſt. They reſolved, at the firſt meeting, after the expulſion of the new members, to turn the Houſe upon the buſineſs of Popery, which was the point of higheſt conſequence to the nation, and was advancing in a very open manner. 1672-3.

Remarkable inſtance of his great ſpirit.

At the firſt meeting of the Parliament, on the 4th of February, 1672-3, Lord Shafteſbury gave an inſtance of the greatneſs of his ſpirit, which ſhewed, likewiſe, upon what terms he ſtood with the Duke of York.

At the Reſtoration, the Dukes of York and Glouceſter had deſired the Earl of Mancheſter to aſk the Houſe of Lords, " † What places ſhould be provided for them to ſit in. " The Houſe, the ſame day, (May the 30th, 1660) ap- " pointed a Committee of ſix Lords to attend the King, and " acquaint him, that there being no precedent for them to " govern themſelves by, they deſired his Majeſty would " pleaſe to determine the places himſelf: and the Com- " mittee immediately returned, and reported, by the Earl " of Northumberland, that his Majeſty ſaid, he conceived " the ſeat on the right hand of the State, where the King " of Scots was anciently wont to ſit, would be of no more " uſe, ſeeing that title was involved in himſelf; that he

* Biſhop Burnet ſays, " he knows the Houſe intended to impeach " Lord Shafteſbury for this, among other things; but whether any " elections were made upon theſe writs, he cannot tell." It is very ſurprizing that a man ſhould be ſo much in the ſecret of affairs, and, at the ſame time, be ignorant of ſo known a fact as the election and expulſion of ſeveral members, in conſequence of the writs.

† Lords Journals.

" farther

1672-3. "farther ſaid, in the Parliament at Oxford he himſelf ſat "in that ſeat as Prince of Wales; therefore he deſired that "place might be reſerved for the Prince of Wales, and the "place on the left hand of the ſtate might be fitted ſpeedily "for his brothers; and accordingly the Houſe gave direc-"tions to have it done." Some years afterwards, upon the Queen's apparent barrenneſs, the Duke of York being looked on as the certain ſucceſſor to the crown, and his power increaſing at court, he took the chair on the right hand of the throne. Lord Chancellor Shafteſbury, the firſt day he acted as Speaker, reſolved to replace the Duke in his proper ſeat. He informed him, that he was in the wrong chair; and that his place was on the other ſide of the throne, as only heir preſumptive. The Duke being unwilling to quit his ſeat, Lord Shafteſbury told him, that he could not proceed upon buſineſs, till the Houſe was in form. At length, the Duke was obliged to ſubmit, but ſaid, in a paſſion, "My Lord, you are a raſcal and a villain." He, with great compoſure, immediately replied, "I am much "obliged to your Royal Highneſs, for not calling me, like-"wiſe, a coward, and a Papiſt." If Lord Shafteſbury, inſtead of this reply, had complained to the Houſe of the indignity offered to the Speaker in a diſcharge of his duty, the Houſe muſt have reſented it; but he had too much ſpirit to make any complaint *.

Summary of the King's ſpeech to Parliament, Feb. 4, 1672-3.

The King, in his ſpeech to both Houſes, told them, that he had been obliged to enter into a war with Holland, and that, "before his declaration of the ſame, he had put forth

* After the ſeals were taken from Lord Shafteſbury, the Duke of York returned to the ſeat on the right hand of the throne, as appears by the following words in Lord Shafteſbury's ſpeech in 1680; where, complaining of the power and influence of the Duke, he ſays, "he "takes his ſeat as Prince of Wales."

"a de-

" a declaration for indulgence to Diſſenters, and had found 1672-3.
" the good effects of it, by ſecuring peace at home, when
" he was engaged in a war abroad; that he never intended
" the Papiſts, by this declaration, ſhould have any other
" liberty but the freedom of their religion in their own
" houſes; and that he was reſolved to ſtick to his declara-
" tion, and left the reſt to his Chancellor."

When the ſpeech was finiſhed which was delivered by the Lord Chancellor, the King added to what he had ſaid before, the following words: " One thing I had forgot to
" mention to you, which happened during this prorogation.
" I did give order that ſome writs might iſſue out for the
" election of members, inſtead of thoſe that are dead; to
" the end the Houſe might be full at their meeting: and I
" am miſtaken if this be not done according to former pre-
" cedents. But I deſire you, that you fall not to any other
" buſineſs, till you have examined that particular, and I
" doubt not but precedents will juſtify what is done. I
" am as careful of all your privileges as of my own prero-
" gative."

Offenſive expreſſion in the Lord Chancellor's ſpeech.

In the ſpeech delivered by the Chancellor, was this expreſſion of Cato the Cenſor, when he was exciting the Senate to a war with the Carthaginians, DELENDA EST CARTHAGO; which was applied to Holland, and gave the nation a general and juſt offence.

Obſervations upon it.

Lord Shafteſbury having been much reflected on by Biſhop Burnet, and other writers, for this ſpeech, it may be proper to leave a few obſervations with the reader, and let him form his own judgment of the matter.

When the Chancellor delivered this ſpeech, the King was ſtill ſitting on the throne, and in his robes.

1672-3. He began the ſpeech with theſe words, " My Lords, and " you the Knights, Citizens, and Burgeſſes of the Houſe " of Commons." Whenever the Chancellor uſes this form in ſpeaking, it is known to be in effect the King's ſpeech, and that he is only the mouth by which it is delivered. He cannot as a private Lord, or as Lord Chancellor, without the King's command, addreſs himſelf in this manner to the two Houſes.

The Chancellor only ſpoke ex officio.

The ſpeeches uſually delivered by the Lord Chancellor, at the meeting of Parliament, were explanatory of the King's. They were drawn up in Council, and ſo were made acts of ſtate, which the Chancellor was obliged, ex officio, to repeat, without a power in himſelf to add, diminiſh, or alter them in any particular.

To make it evident that they were drawn up in Council, and that this was the conſtant form quite through King Charles's reign, let it be obſerved, that when Sir Orlando Bridgeman, as Lord Keeper, had the ſeals before Lord Shafteſbury, and Sir Heneage Finch had them after, with the ſame title, the King always ended with theſe words; " I leave the reſt to my Lord Keeper;" and the Lord Keeper began in the words before mentioned, " My Lords, " &c." Now the Lord Keeper, not being a Lord of Parliament, had no right to ſpeak any thing in the Houſe, but what was in direct command from the throne: yet it may, with the ſame propriety, be ſaid, that the Lord Keeper made a ſpeech at ſuch a time in the Houſe of Lords, as that Lord Shafteſbury did, when he delivered the DELENDA EST CARTHAGO.

The Houſes were accuſtomed to return thanks to the King for the ſpeeches, and it appears, by the Journals, that they uſed to deſire the King, that his and the Lord Chancellor's,

cellor's, or Lord Keeper's, ſpeeches might be printed: but the King had no power to order the printing of a private ſpeech. 1672-3.

Mr. Stringer's account of the affair,

Mr. Stringer aſſerts, that Lord Shafteſbury had actually prepared a ſpeech, which was afterwards entirely changed in the Council. This, he ſays, he more particularly remembers, becauſe Lord Shafteſbury, before he carried it to the King and Council, deſired him to tranſcribe two copies of it, one to be entered in the Journals of the Houſe of Lords, the other in the Journals of the Houſe of Commons: at the ſame time, he complained that it was much more troubleſome to him to learn even his own ſpeech, and ſpeak it in the very words it was drawn in, than it would be to ſpeak to the ſame purpoſe extempore.

and Mr. Le Clerc's.

Mr. Le Clerc gives the following account of this affair. "* It is known that King Charles the Second, at that time, "entered into a war, jointly with France, againſt the "United Provinces; but as the money, with which France "was to furniſh him for this, was not ſufficient, he was "willing to try if he could get it from his Parliament. "For this purpoſe, a draught was made in Council of what "the Chancellor ſhould ſay, after the King had done ſpeaking, to exhort the Parliament to approve of the war "which the King had declared againſt the United Provinces. The firſt ſketch of the ſpeech was thought too "weak by the King and Council, and, therefore, altered "contrary to the advice of the Lord Chancellor; and they "inſerted theſe words of Cato, DELENDA EST CARTHAGO, "as if it was the intereſt of England that Holland ſhould "be entirely ruined. This being reſolved on, the Chan-

* Bibliotheque Choiſie, tom. vi. p. 362.

1672-3. "cellor was obliged to deliver the ſpeech as formed by "them.

"My Lord Shafteſbury, upon this, expreſſed great un-"eaſineſs to Mr. Locke, and * another of his friends, who "has ſince left an account of it in manuſcript. Neverthe-"leſs, the Chancellor was only looked upon as the mouth "of the King; not ſpeaking in his own character, and "even often contrary to his ſentiments.

"The Earl of Shafteſbury was obliged to learn the ſpeech "by heart; and, though he had a great facility in ſpeak-"ing, and an extraordinary preſence of mind, he was ſo "much diſordered, that he kept Mr. Locke behind him, "with the ſpeech in his hand, in order to help his memory "if he ſhould faulter.

"This affair made a great noiſe in Holland; and thoſe "who did not know that the Lord Chancellor ſpoke only "ex officio, and that theſe were not his own ſentiments, "conceived a bad opinion of him."

Biſhop Burnet's acknowledgment.

Though Biſhop Burnet ſays, "Lord Shafteſbury made a "baſe complying ſpeech in favour of the court, and the "war, yet he acknowledges that, after Lord Clarendon's "time, who had been uſed to draw up all the ſpeeches, "theſe were formed by the Council in general, one putting "in one thing, and one another."

Duke of Buckingham's teſtimony.

As a confirmation of what Mr. Le Clerc ſays, that this ſpeech was contrary to the ſentiments and advice of Lord Shafteſbury, it may be right to mention, once more, the queſtion which was put to the Duke of Buckingham by

* This was probably Mr. Stringer.

the

the Speaker of the Houſe of Commons, and the Duke's anſwer. 1672-3.

Queſtion XI. " By what counſel was the war begun " without the Parliament, and thereupon the Parliament " prorogued?"

Anſwer. " My Lord Shafteſbury and I were for adviſing " with the Parliament, and averſe to the prorogation."

Lord Clarendon's conduct in a ſimilar caſe.

During the firſt Dutch war, when the Parliament met at Oxford, October the 10th, 1665, the King, in his ſpeech, demanded a ſupply for carrying on the war, and, when he had finiſhed his ſpeech, Lord Chancellor Clarendon delivered one, as mentioned before, in which he ſet forth the ſeveral injuries and inſolencies received from the Dutch, and the neceſſity of vindicating the rights and honour of the nation. Yet Lord Clarendon was known to be averſe to the war, and has never been cenſured for his ſpeech on that occaſion.

If the reader, ſtill diſſatisfied with Lord Shafteſbury's delivering this ſpeech, is of opinion that he ſhould rather have given up the ſeals, it ought to be conſidered, that the war had been entered into almoſt a year before, and his leaving the court could not prevent the continuance of it; that this meeting of the Parliament was owing to his advice and intereſt with the King; and that, if he had reſigned his office, and quitted his ſtation near the King, the Houſes would probably have been ſoon prorogued; and, conſequently, the great deſigns which he had in view would have proved abortive.

It is plain, from the great honours which the Dutch paid to Lord Shafteſbury, when he retired into Holland (as will appear in the ſequel of his life) that they did not think him the

1672-3. the author of the ſpeech abovementioned. On the contrary, they knew that he had given advice to the King which was evidently for their ſafety, upon the following occaſion.

Lord Shafteſbury's advice to the King in favour of the Dutch.

When the French Monarch had made ſuch a progreſs in his conqueſts. that he came down to Utrecht, and ſtruck the Dutch with ſuch a conſternation that they deſpaired of ſaving their country, Lord Shafteſbury uſed his utmoſt endeavours to rouſe his maſter into a juſt attention to the deſigns of France, and a proper ſpirit for the intereſt of Europe. He laid before him the fatal conſequences of the French King's ſucceſs, and the neceſſity of ſending an Embaſſy to ſtop his progreſs, in ſo clear a light, that Charles began to open his eyes. Accordingly, he ſent the Duke of Buckingham, Lord Arlington, and (by Lord Shafteſbury's advice) Lord Halifax, to the French King at Utrecht, with propoſals of peace. Lord Halifax had not, at that time, entered into the court meaſures. After the Ambaſſadors had met together at the Hague, they made joint application to Lewis, but their interpoſition with him was ineffectual: for he conſidered this Embaſſy as forced, in a manner, upon King Charles, who would not have ſteadineſs to ſupport his own remonſtrances; and, therefore, he ſlighted them.

Proceedings of Parliament.

But to return to the Parliament. The Houſe of Commons immediately voted the King a ſupply of an eighteen months aſſeſſment, of ſeventy thouſand pounds a month. This was deſigned by the Popiſh Junto to raiſe an army, which was ſoon formed, and encamped at Blackheath. Immediately after voting the ſupply, the Commons addreſſed the King to call in his declaration of indulgence, which they unanimouſly voted to be againſt law. They ordered a bill to be brought in for the relief of the Diſſenters, by which all the penalties in the act of uniformity were removed, and nothing required but taking the oaths of allegiance

giance and ſupremacy. They preſented to the King their complaints on the growth of Popery, and deſired that he would iſſue out a proclamation, to command all Prieſts and Jeſuits (with exception of thoſe in attendance on the Queen) to depart the kingdom within thirty days. 1672-3.

Conduct of the Court with regard to the indulgence.

The vote of the Houſe of Commons againſt the indulgence was ſo diſagreeable to Charles and the Junto, that it was * debated in the Cabinet Council, whether the King ſhould not prorogue the Parliament, it being thought better to part with the Parliament than with the declaration. Lord Shafteſbury, who had principally adviſed the calling of the Parliament, ſpoke warmly againſt the motion for proroguing it. He told the King, that he might judge, by the Houſe of Commons, what jealouſies the increaſe of Popery, and the apparent countenance which the Papiſts received from the court, had raiſed in the nation; and if he ſhould prorogue the Parliament upon that point, he would expoſe himſelf ſo openly to cenſure, that it might cauſe a great alteration in the minds of the people: and, therefore, it would be better to acquieſce with the requeſt of the Commons, than think of ſo dangerous a counſel.

Lord Clifford's expedient.

This alarmed the King, and threw the Junto into great confuſion. On the other hand, they were reſolved to maintain the declaration, for which Lord Clifford propoſed an expedient; which was, that the King ſhould aſk the opinion of the Houſe of Lords, not doubting but that the Peers would adviſe his Majeſty to ſupport his declaration. He ſaid, it was preſumptuous in the Commons to arrogate to themſelves a power of deciding matters of law, and much more to do it in prejudice to their Sovereign: it ought, therefore, to be ſuppoſed, that their addreſs pro-

* Mr. Stringer.

ceeded

1672-3. ceeded from ſome miſrepreſentation of the King's judgment, as if, ſince the iſſuing of the declaration, he had changed his opinion about the legality of the proceeding: that if, in conſideration of their vote, he ſhould graciouſly condeſcend to have this branch of his prerogative tried in the ſupreme court of his realm, aſſiſted by the Judges, it was all they could reaſonably expect: that this expedient, as it ſhewed ſuch great moderation, muſt produce a general ſatisfaction with his Majeſty's conduct: that it would put by the preſent thruſt, and the King might keep himſelf on his guard againſt being forced into a refuſal of the Commons requeſt, or a recalling of his declaration: and that it would give time to the ſupply to grow up, and be perfected, before the matter of prerogative could come to a final deciſion; by which means the King would either gain his point with the Commons, or make a breach between the two Houſes, which might be a cover for his proroguing them.

Approved of. This advice was approved of. Lord Shafteſbury ſaid nothing againſt it, foreſeeing that the declaration would be oppoſed in the Houſe of Lords, as well as in the Houſe of Commons, and particularly by the Biſhops, from their jealouſy of the Diſſenters; and that the agreement of the Houſes in their ſentiments might prevent a prorogation, till ſome ſteps ſhould be taken to ſecure the nation againſt Popery.

The King's application to the Houſe of Lords. In purſuance of Lord Clifford's advice, the King deſired the Lords opinion, whether, conſidering the circumſtances of his affairs, and the good effects which his declaration for indulgence had produced, they did not think it reaſonable that he ſhould continue to ſupport it? As ſoon as he had ended his ſpeech, the Biſhops and their friends appeared warmly againſt the declaration.

Biſhop

Biſhop Burnet ſays, " Lord Clifford reſolved to aſſert " the declaration, with all the force and all the arguments " he could bring for it. He ſhewed the heads he intended " to ſpeak on to the King, who approved of them, and " ſuggeſted ſome other hints to him. He began the de- " bate with rough words: he called the vote of the Com- " mons MONSTRUM HORRENDUM INGENS, and run on in " a very high ſtrain. He ſaid all that could be ſaid, with " great heat, and many indecent expreſſions. When he " had done, the Earl of Shafteſbury, to the amazement of " the whole Houſe, ſaid, he muſt differ from the Lord that " ſpoke laſt, TOTO COELO. He ſaid, while thoſe matters " were debated out of doors, he might think, with others, " that the ſupremacy, aſſerted as it was by law, did warrant " the declaration; but now that ſuch a Houſe of Commons, " ſo loyal and affectionate to the King, were of another " mind, he ſubmitted his reaſon to theirs. They were the " King's great council; they muſt both adviſe and ſup- " port him: they had done it, and would do it ſtill, if " their laws and religion were once ſecure to them. The " King was all in a fury to be thus forſaken by his Chan- " cellor; and told Lord Clifford how well he was pleaſed " with his ſpeech, and how highly he was offended with " the other. The debate went on; and upon a diviſion " the court had the majority: but againſt that vote about " thirty of the moſt conſiderable of the Houſe * proteſted: " ſo the court ſaw they had gained nothing in carrying a " vote that drew after it ſuch a proteſtation." 1672-3. Biſhop Burnet's account of Lord Shafteſbury's conduct.

Rapin takes no notice of this ſtory of the Biſhop's; but, on the contrary, quotes Father Orleans, who ſays, " That Rapin's account of the ſame, from

* If Biſhop Burnet had conſulted the Journals of the Houſe, (of which he was a member twenty-ſix years) he would have found there was no proteſt, nor even a diſſent on the occaſion.

1672-3. Father Orleans, "Lord Shafteſbury executed his reſolution of quitting the "King's party the day after the King reſolved to revoke his "declaration for liberty of conſcience. It was eleven at "night before the King had taken his laſt reſolution; and "the next morning the Earl of Shafteſbury appeared in the "Houſe of Lords, at the head of the moſt violent party, "againſt the Catholic religion, the Dutch war, and the "union with France."

and from Echard. Rapin afterwards gives another account of Lord Shafteſbury's acting in oppoſition to the court. "The Lord "Treaſurer Clifford, ignorant of Shafteſbury's intentions, "paid him a viſit the night before; and communicating to "him a project for eſtabliſhing a perpetual fund, to free "the King from his dependance on the Parliament, read to "him a ſpeech he had prepared to ſpeak on the morrow, "concerning this project, in the Houſe of Lords. The "Earl of Shafteſbury ſeemed highly pleaſed with the ſpeech, "and deſired to hear it again. The next day, the King "and Duke of York, coming to the Houſe to countenance the project with their preſence, the Lord Clifford "ſpoke his ſpeech. He had no ſooner done, than the Earl "of Shafteſbury ſtood up, and anſwered his ſpeech from "the beginning to the end. He demonſtrated the project "to be extravagant and impracticable; that it would overturn the government, and, perhaps, ſend the King and "the Royal Family abroad again, to ſpend their days in "exile, without hopes of a return. If the Treaſurer's "ſpeech ſurprized the Lords, who perceived the deſign of "it, their aſtoniſhment was increaſed when they ſaw the "Chancellor, a leading member of the Cabal, declare ſo "openly againſt the King. It is ſaid, the Duke of York, "whilſt Shafteſbury was ſpeaking, whiſpered the King, "What a Rogue have you of a Lord Chancellor! and that "the King replied, What a Fool have you of a Lord Treaſurer!"

Rapin

Rapin writes this account from Echard, and ſays after it, 1672-3.
"I know not whether the truth of theſe particulars is to "be relied on, ſome of which are improbable." The whole ſtory, indeed, is improbable in the higheſt degree: for no ſcheme to raiſe money could be brought firſt into the Houſe of Lords: nor is there, in the Journals of this Houſe, any proceeding mentioned, which can give the leaſt light into Lord Clifford's project, or the nature of it.

Obſervations on theſe accounts.

The contradictions in theſe authors muſt be obvious to every reader; as they vary both with regard to time and to facts. Biſhop Burnet ſays, that Lord Shafteſbury's firſt declaring againſt the court was before the King reſolved to cancel his declaration; and that it was occaſioned by this very ſubject. Father Orleans aſſerts that it was afterwards. Rapin, from Echard, gives the account juſt related; and which, if it be true, renders it evident, that Lord Shafteſbury was not in the ſecret deſigns of the Cabal, as has commonly been repreſented.

This project of Lord Clifford's was of the greateſt importance. It was to make the King abſolutely independent of the Parliament: it had been concerted between the King, the Duke of York, and Lord Clifford, and was communicated to Lord Shafteſbury but the very night before the execution of it; at a time, when they could not, with decency, have kept it ſecret from any officer of his Majeſty's in the Houſe of Lords; nor, with prudence, from any other Lord, by whom they expected it to be ſupported: the ſcheme was of the ſame extravagant nature with the ſhutting up of the Exchequer, and appears to have been a child of the ſame father. If Lord Shafteſbury, therefore, oppoſed it in the Houſe, in the manner which is related, it muſt be allowed, that he ſpoke like a wiſe man, an honeſt Engliſhman, and a faithful miniſter.

1672-3. Proceedings of the Lords concerning the declaration.

On the 3d of March, 1672-3, the Lords, after a long debate upon the declaration, upon the addreſs of the Houſe of Commons againſt it, and his Majeſty's anſwer, reſolved to give advice to the King. On the next day, after another long debate upon the advice, they reſolved, that the King's anſwer to the Houſe of Commons, in referring the points controverted to a parliamentary way by bill, was good and gracious, that being a proper and natural courſe for ſatiſfaction therein. On the day following, they appointed a Committee to prepare heads for a bill of advice, in purſuance of the ſaid vote, of which Committee Lord Shafteſbury was one. The King, therefore, to prevent any ſteps being taken by the Lords, which might be diſſatisfactory to him; being diſappointed in his expectation of their ſupporting him; finding the Commons abſolutely determined againſt the declaration; and being, at the ſame time, preſſed by Lord Shafteſbury to cancel it, and ſatisfy his Parliament, (as Biſhop Burnet allows) called for the declaration, on the 7th of March, and with his own hand broke the ſeal.

The declaration cancelled.

The next day, Lord Shafteſbury told the Lords, that he had a particular affair to acquaint them with; which, though it was by his Majeſty's leave, was not by his command. However, he thought it his duty to acquaint the Houſe, that his Majeſty had the laſt night cauſed the original declaration under his great ſeal to be cancelled in his preſence; whereof he himſelf and ſeveral other Lords of the Council were witneſſes.

Teſt act brought into the Houſe of Commons.

Lord Shafteſbury, having ſecured the ſitting of the Parliament, had an opportunity of ſhewing his affection and zeal for the Proteſtant cauſe. To weaken the intereſt, and defeat the counſels, of the adverſaries to it, a bill was brought into the Houſe of Commons by his advice, and pro-

promoted by his friends, " * for preventing dangers which " might happen from Popiſh Recuſants;" by which every perſon, in any office, civil or military, was obliged to receive the ſacrament of the Lord's Supper in the manner of the church of England; and to ſubſcribe a declaration againſt the belief of tranſubſtantiation. Whoever refuſed or neglected the ſame was rendered incapable of holding any office or employment; and, beſides other penalties, adjudged to pay a fine of five hundred pounds. 1672-3.

Though the bill paſſed with eaſe through the Houſe of Commons, it met with great oppoſition in the Houſe of Lords, from the Dukes of York, Buckingham, and Lauderdale, Lord Arlington, and Lord Clifford, who exerted their whole ſtrength and intereſt againſt it. † Lord Shafteſbury was ſo ſtrenuous for it, and ſpoke with ſuch force, that he convinced the majority of the Houſe of its being neceſſary for the ſecurity of the Proteſtant religion. The Biſhops and their friends, who had appeared ſo vigorous for cancelling the declaration, could not refuſe their compliance with this bill, which did the Papiſts no other harm than removing them from places of power and truſt in the nation; ſo that it paſſed into a law, and had the effect which Lord Shafteſ- Oppoſed in the Houſe of Lords. Supported by Lord Shafteſbury. Paſſed.

* Echard ſays, " This bill was particularly promoted, if not in- " vented, by the Earl of Shafteſbury, who reſolved to ſtrike directly " at the Duke of York and his friends."

Echard, tom. iii. p. 321.

† " Upon this occaſion it was, that the Earl of Shafteſbury, though " then Lord Chancellor of England, yet engaged ſo far in defence of " that act, and of the Proteſtant religion, that, in due time, it coſt " him his place, and was the firſt moving cauſe of all thoſe miſadven- " tures and obloquy which he ſince lies under."

Andrew Marvel's Account of the Growth of Popery.

bury

1672-3. bury designed; the Duke of York being removed from the Privy Council, and obliged to resign all his places. * Lord Clifford lost his white staff; many of the Papists their civil employments, and several officers their commissions; in consequence of which that party was much weakened and discouraged.

The test act was, not only at that time but afterwards, looked upon as one of the strongest bulwarks against Popery, and as the peculiar object of the dislike and jealousy of the Papists. This was evident when the Duke of York came to the crown: for he endeavoured very early to get it repealed; and upon the Parliament's refusing to do so, he dissolved the House, and assumed to himself a power of dispensing with the act; a circumstance which contributed in no small degree to the Revolution.

Other bills brought in.

For a farther security against Popery, a bill was brought in, to breed up the children of the Royal Family in the Protestant religion: another was prepared to prevent intermarriages between Protestants and Papists; and one was, likewise, formed for an indulgence to Protestant Dissenters:

1673. but, before these could be perfected, the King, on the 29th of March, sent a writing under his hand, that the House

The House adjourned. should be adjourned to the 20th of October; and thus this memorable session ended.

* Bishop Burnet attributes Lord Clifford's removal to the speech which he had made in the House of Lords for the declaration, by which the Commons were so much incensed, that the King told the Duke Lord Clifford could serve him no longer. It is certain, however, that he was removed by the test; for he continued in the Treasury two months after the sessions in which the act was passed, and did not resign his staff till the 19th of June, 1673, on which day Sir Thomas Osborne succeeded him.

Lord

1673.

Lord Shafteſbury's advice to Sir Thomas Oſborne.

Lord Shafteſbury ſhewed, not only by his own conduct, but by the advice he gave to others, that he kept the welfare of the public always in his view; that his Majeſty's intereſt ought never to be conſidered in a diſtinct and ſeparate light from that of the nation; and that the beſt ſervice which could be formed for the King, by his miniſters, was the ſecuring the properties, and ſtrengthening the liberties, of the people.

This appeared in his ſpeeches to Sir Thomas Oſborne, and Serjeant Thurland, at their taking the oaths before him in the Court of Chancery; the firſt for the ſtaff of Lord Treaſurer, in the room of Lord Clifford; and the other upon being made a Baron of the Exchequer.

In his ſpeech to the Lord Treaſurer was the following remarkable paſſage, "Kings are as Gods, and beſtow honour, riches, and power where they pleaſe; but in this "they are as men, that they can only chooſe, not make a "perſon adequate to their employment: for if their choice "be merely favour, not fitneſs, their omnipotency is quickly "ſeen through. There is no more to be aſked of you in "this condition, but that you know your own intereſt, and "that will ſecure you to the King's and the nation's. I "repeat them thus together, becauſe none but mountebanks in ſtate matters can think of them aſunder. And "let me ſay to your Lordſhip, that however happy you "have been in arriving to this high ſtation, yet 'parta "tueri non minor eſt virtus.' Many great men have "proved unfortunate, in not obſerving that the addreſs "and means to attain great things, are oftentimes very "different from thoſe that are neceſſary to maintain and "eſtabliſh a ſure and long poſſeſſion of them." The new Treaſurer thanked the Lord Chancellor in public; but, the next day, when he had conſidered the turn of the ſpeech, he

1673. he ſent to revoke his thanks, and from this time conceived a ſtrong reſentment againſt him, which broke out afterwards upon many occaſions.

and to Serjeant Thurland.

In Lord Shafteſbury's ſpeech to Baron Thurland, the following expreſſions contained a lively proof of the tender regard which he had for the eaſe of the people, as well as of his zeal for the intereſt of the King. "Let me recommend to you, ſo to manage the King's juſtice, and the "revenues, as the King may have moſt profit, and the ſubjects leaſt vexation. Raking for old debts, the number "of informations, projects upon concealments, I could not "find, in the eleven years experience I have had in this "court, ever to advantage the crown: but ſuch proceedings have, for the moſt part, delivered up the King's "good ſubjects into the hands of the worſt of men."

The Papiſts incenſed.

As the ſpirit that had been worked up in Parliament by Lord Shafteſbury, alarmed the Junto, the army, which was encamped at Blackheath, filled the people with fears. The Papiſts were ſo incenſed, ſo numerous, and ſo ſtrongly ſupported, that daily inſults were apprehended from them; and Lord Shafteſbury, knowing how obnoxious he was to them, in conſequence of the frequent interruptions he had given to the advancement of their cauſe, kept his family well armed, and a conſtant guard in it all the ſummer.

Lord Shafteſbury foments a breach between the Jeſuit and Janſeniſt parties.

By his addreſs he fomented a breach between the parties of Jeſuits and the Janſeniſts, which, for a time, diſconcerted all their meaſures. The former aſſerted the abſolute ſupremacy of the Pope, and were for an immediate change of religion, by the moſt violent methods. The Janſeniſts, who were apprehenſive of the growing power of the Jeſuits, were for proceeding in a ſlower way, and for introducing Popery by a gradual reconciliation of the church of England with the church of Rome.

Of

Of the first of these parties, were the Duke of York, Lord Clifford, Earl of Norwich, (afterwards Duke of Norfolk) Lord Arundel of Wardour, Lord Stafford, and others. Of the latter, were the Earl of Berkshire, Lord Carlingford, Lord Petre, and Lord Viscount Mountacute, who were assisted by Lord Arlington. 1673.

The Jansenists had frequent consultations, in which Sir Ellis Leighton acted as Secretary, and drew up their results; which were afterwards communicated to those of their party who did not appear amongst them. Mr. Bennet, a friend of Lord Shaftesbury, having an intimate acquaintance with a mistress of Sir Ellis, got copies of the papers, and delivered them, from time to time, to Lord Shaftesbury; who, by this means, was enabled to work up the breach between the Jesuits and the Jansenists, and to conduct things in such a manner as to procure these last to declare against the violent proceeding of the others.

His free advice to the King.

Lord Shaftesbury, upon all occasions, exposed the conduct of the Popish Junto to the King; and sometimes made him so sensible of the dangerous consequences of their transactions, that Charles gave them marks of his dissatisfaction; and, at such times, would take Lord Shaftesbury in his arms, and swear that he would stick to his advice, and never quit him, or forsake the Protestant cause. But, Lord Shaftesbury, being so much engaged in the Court of Chancery, that he could not often be in private with his Majesty, and having many powerful enemies at court, who had more frequent opportunities of insinuating their advice, the King gave too many proofs of the unsteadiness of his temper. He quite forgot his promises to Lord Shaftesbury, in his absence; and as often renewed them in private conversation. However, though Lord Shaftesbury's endeavours to draw the King off from the Junto were unsuccessful, he prevented

1673. his taking any violent measures; and, with great difficulty, secured the nation till the meeting of the Parliament in October, from the dangers which were threatened by the Blackheath army, and the counsels of the Popish faction.

Match recommended to the Duke of York.

About this time, the treaty of marriage between the Duke of York and the Arch-Dutchess of Inspruck was broken off: for, the Empress dying, the Emperor married the Arch-Dutchess himself. The court of France, to secure the Duke, if possible, still more in its interest, recommended to him a match with Mary d'Esté, Princess of Modena. She was young and beautiful, of a house entirely attached to the French, and a relation of the Pope. To engage her friendship still more, the French King agreed to pay her portion, and to adopt her for a daughter of France.

Opposed by Lord Shaftesbury.

Lord Shaftesbury, foreseeing that this match would engage our court still farther in the interest of France, represented to the King the ill consequences of the marriage, and how greatly it would disquiet the minds of the people, too much inflamed already by their apprehensions of Popery. But all his arguments were ineffectual; and only incensed the Duke of York, and the French party, the more against him.

Meeting of Parliament.

As the Parliament had only been adjourned, Lord Shaftesbury advised his friends among the Commons to complete, and dispatch, at their meeting on the 20th of October, the bills then depending in the House; particularly, the bill for preventing intermarriages between the Protestants and Papists, and that for the ease of Protestant Dissenters.

Prorogued for seven days.

To obstruct the finishing of these bills, the King was prevailed on to prorogue the Parliament, on the 20th of October, to the 27th; because, upon a prorogation, all business depending

depending in either Houſe, except judicial proceedings, must begin again. As, by this prorogation, the firſt of theſe bills could not be finiſhed ſoon enough to obſtruct the marriage, Lord Shafteſbury, ſtill earneſt for its prevention, deſired the leading members of the Commons, who took their meaſures from him, to preſent an addreſs to the King againſt the match. 1673.

In order to animate the Parliament to ſome public ſtep, when it met on the 27th of October, Lord Shafteſbury, after he had delivered the ſpeech appointed by the King, concluded in the following remarkable manner. Concluſion of Lord Shafteſbury's ſpeech to Parliament October 27.

" My Lords, and Gentlemen,

" I have no more in command; and, therefore, I ſhall " conclude with my own hearty prayers, that this ſeſſions " may equal, may exceed the honour of the laſt; that it " may perfect what the laſt began, for the ſafety of the King " and kingdom; that it may be for ever famous, for hav- " ing eſtabliſhed, upon a durable foundation, our religion, " laws, and properties; that we may not be toſſed with " boiſterous winds, or overtaken by a ſudden dead calm: " but that a gentle fair gale may carry you in a ſteady, " even, and reſolved way, into the ports of wiſdom and " ſecurity."

This public ſanction to the vigorous proceedings of the laſt ſeſſion, and this honeſt advice to purſue the ſame, had a proper effect upon the Parliament. Accordingly, on the 31ſt of October, the Commons (as Lord Shafteſbury had privately adviſed ſome of the principal members) preſented an addreſs to the King, againſt the marriage of the Duke of York with the Princeſs of Modena. They bound themſelves, by a vote, not to take into debate the conſideration Proceedings of the Commons.

1673. of any farther aid, or ſupply, or charge upon the ſubject, (unleſs the obſtinacy of the Dutch ſhould make it neceſſary) before the kingdom was effectually ſecured from Popery and Popiſh counſellors. They, alſo, voted "a ſtanding army "to be a grievance, and a burthen to the nation."

Whilſt they were purſuing theſe vigorous meaſures, a bill was brought into the Houſe of Lords, for encouraging the manufactures of England; but the Houſes had not time to make any farther progreſs in the public ſervice.

Popiſh Junto exaſperated at Lord Shafteſbury.

The Popiſh Junto at court were exaſperated at Lord Shafteſbury, for preſuming to give his own advice to the Parliament, in the preſence, and, in a manner, under the countenance of the King. In this he certainly exceeded his commiſſion; for he could not, in ſtrictneſs, add any thing of his own, after what he had delivered by command. They ſaw how great his influence was on the Parliament; and thought, that, whilſt there was a Chancellor who could and would lead it into the meaſures approved of by himſelf, ſome reſolutions fatal to the cauſe of Popery might be taken. They were apprehenſive of the intereſt he had by being in ſo high a ſtation; and feared his abilities, as he ſo often turned the King's opinion. They perceived, likewiſe, that, whilſt he continued in Council, he had the means of penetrating their deſigns, by which he generally prevented them: but thinking it unſafe to remove and irritate him in the preſent diſpoſition of the Houſe of Commons, and during its ſitting, they reſolved, as a previous ſtep to his diſgrace, to engage the King to diſſolve the Parliament.

They endeavour to perſuade the King to diſſolve the Parliament.

On the 3d of November, the King being at ſupper at the Dutcheſs of Portſmouth's, the French Ambaſſador, the Portugueſe Miniſter, Lord Treaſurer Danby, Lord Arundel of Wardour,

Wardour, the Pope's Nuncio, and ſome others, were, likewiſe, there. After the King had drank freely, the company turned the diſcourſe on the conduct of the Houſe of Commons, and on the oppoſition it had lately made to the court, in relation to the Duke's marriage, the declaration, and the teſt act; which oppoſition was ſtrongly enlarged upon, and greatly magnified: they adviſed, therefore, his Majeſty either to render himſelf more independent of his Parliament, or to part with it. 1673.

To induce him to this, the French Ambaſſador aſſured him of ſupplies of money and men from France; and produced letters giving an account of his maſter's ſucceſs in Flanders, to ſhew that Lewis was in a condition to make good the articles of the treaty of Dover, by which he had engaged to furniſh Charles with a large body of troops. It was, likewiſe, repreſented to him, how much he might depend on the army in England, and on that of Scotland, where the Duke of Lauderdale preſided.

The King's great weakneſs was a want of ſteadineſs, and too ready a compliance with every propoſal. Accordingly, in the humour he was worked up to by drinking, and by the diſcourſe of the company, ſuch an impreſſion was made upon him, that he promiſed to diſſolve the Parliament the next day. However, upon cooler reflections in the morning, he changed his mind from a diſſolution into a prorogation. The King determines to prorogue it.

Having formed his reſolution, he ſent for Lord Shafteſbury, who was juſt going to Weſtminſter-Hall, and, taking him into his cloſet, after ſome immaterial converſation, aſked if he had brought his robes. Lord Shafteſbury was much ſurprized at the queſtion; upon which, the King aſſured him, that though, for ſome reaſons, he had agreed to prorogue

1673. prorogue the Parliament that morning, he would never forſake either him or the Proteſtant intereſt, but would be ſteady to what he had always promiſed.

Lord Shafteſbury's addreſs to the King.

Lord Shafteſbury immediately anſwered, "Sir, they who "have prevailed with you to prorogue the Parliament, will "not ſtop here. I fear your compliance with this may "prove of dangerous conſequence to yourſelf and the na- "tion. In caſe you had to deal only with fools, the peo- "ple would bear a great deal, before they would turn "upon you; but they are ſuch buſy fools, that they will "quickly bring you into deſtruction. If my advice might "have prevailed, I would have engaged my life and for- "tune, to have made you the moſt beloved and powerful "Prince in Chriſtendom: but, Sir, though I muſt ever hold "myſelf obliged to you, and ſhall run any riſque in my "power to ſave you, yet I ſee you have taken ſuch mea- "ſures, and are gone over to a party ſo contrary to the in- "tereſt I have been always contending for, that I am not "able to ſerve you; and am ſatisfied your next ſtep muſt "be to ſend for the ſeals from me. But, Sir, you may "fancy what you pleaſe of the Romiſh religion, I ſhall "leave this as a maxim with you: if you eat ſage and but- "ter in a morning, and govern well, it will make you "more healthy and happy here, and bring you to Heaven "much ſooner, than Popery, or the exorciſms of its "prieſts."

When Lord Shafteſbury came out of the cloſet, he ſent a ſervant for his robes, and, in his way to Weſtminſter, told Mr. Stringer what had paſſed between the King and him, and that he thought the nation very near its ruin.

The Parliament prorogued.

On that day, November the 4th, the King prorogued the Parliament to the 7th of January following.

Three

1673.

Three days after the prorogation, Lord Shafteſbury went to the Council, in expectation of the ſheriffs being pricked for the enſuing year: but, as it was determined that the ſeals ſhould be taken from him, it was not thought proper by the court, that he ſhould have any ſhare in naming the ſheriffs; and, therefore, the King coming late to the Council, this buſineſs was poſtponed till another day.

Seals intended to be taken from Lord Shafteſbury.

When the King left the Council Chamber, Lord Shafteſbury followed, and ſpoke to him with ſuch freedom, of the bad ſtate of affairs, by the prorogation of Parliament, the continuance of the Dutch war, and the troubles which muſt attend an adherence to Popiſh counſels and the French intereſt, that the King ſeemed to be much affected. This was, however, of ſhort duration: for, on Sunday morning, the 9th of November, when Lord Shafteſbury went to court, he judged, from ſeveral circumſtances, that the ſeals were then to be taken from him. He preſently attended the King in his cloſet, while the Attorney General and others were in expectation of his returning without the purſe. Being alone with the King, he ſaid, "Sir, I know "you intend to give the ſeals to the Attorney General; but "I am ſure your Majeſty never deſigned to diſmiſs me with "contempt." The King replied, "God's fiſh, my Lord, "I will not do it with any circumſtance that may look like "an affront." "Then, Sir," ſaid he, "I deſire your Ma-"jeſty will permit me to carry the ſeals before you to cha-"pel, and ſend for them afterwards from my own houſe." The King, who had ſtill a regard for him, and probably was not diſpleaſed with the humour of his deſign, readily complied, and told him he would ſend for the ſeals at four o'clock in the afternoon.

Lord Shafteſbury entertained his Majeſty in converſation, purpoſely to amuſe the courtiers and the Attorney General, who,

1673. who, he believed, was in the greateſt anxiety for fear the King ſhould be prevailed on to change his mind. The King and the Chancellor came out of the cloſet ſmiling and talking together, as they went to the chapel; which was ſo contrary to the expectation of thoſe who were preſent, that ſome went immediately, and told the * Duke of York that all their meaſures were broken.

After ſermon, Lord Shafteſbury carried the ſeals home with him, and, at the time appointed, Mr. Secretary Coventry went, with a warrant for them, and ſaid, "My "Lord, you are out of danger and at eaſe, but we are in "a way to be ruined. I deſired to be excuſed from this "office; but, being your relation and friend, they put it "as an affront upon me." Lord Shafteſbury delivered the ſeals with great cheerfulneſs, ſaying, that whilſt he had them, he had given the King what he thought the moſt ſeaſonable and juſt advice for his welfare, and the good of the public: then, with a pleaſant air, he added, it is only laying down my gown, and putting on my ſword; which he immediately ordered to be brought.

He gives up the ſeals.

The removal of Lord Shafteſbury was of no advantage to the court. As the reaſons of it were ſoon known, it was freely arraigned and condemned by the public, and contributed much to his reputation and intereſt.

Regard paid to him by Prince Rupert and others.

The ſame day, as we are informed by ‡ Dr. Kennet, he was viſited by Prince Rupert, and moſt of the Peers and perſons of quality about town; who acknowledged that the nation had been obliged to him for the juſt diſcharge of

* Echard, who, likewiſe, tells this ſtory, allows that he was turned out by the intereſt of the Duke of York and the Popiſh faction.

‡ Kennet, vol. iii. p. 324.

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the truſt that had been repoſed in him, and returned him their thanks. 1673.

Prince Rupert was a ſteady friend to the Proteſtant and Engliſh intereſt; and, as he had been one of the Council from the time of the Reſtoration, he muſt have been well acquainted with Lord Shafteſbury's conduct as a miniſter of ſtate. This compliment, therefore, from him, and from other perſons of diſtinction, ſhews that Lord Shafteſbury had, in Council, and in the proper places, oppoſed the arbitrary views of the court. This, too, is confirmed by the proſecutions, which, according to Kennet, the Papiſts ſet on foot againſt him; in which Colonel Conqueſt was their principal agent. All the offices, wherein he had been concerned, were narrowly inſpected; but when the King's Council had examined the ſeveral articles induſtriouſly collected for a charge againſt him, they declared them inſufficient.

Vain attempt to form a charge againſt him.

The King's Council could not be ſo much attached to Lord Shafteſbury as to the court: this declaration, therefore, with the ſtrict inquiſition made into his conduct by his enemies, who had power to ſupport and carry it on, is an ample proof of his integrity in places of the higheſt truſt in the nation; in one of which he had been above eleven years. It is, likewiſe, an evidence that the Popiſh Junto were greatly inflamed againſt him. They knew how much he had obſtructed their deſigns in private; and they were fearful of his abilities in a more open oppoſition.

As he was not made Lord Chancellor till the 17th of November, 1672, and as, in ſo ſhort an interval as between this time and the 4th of February following, when the Parliament met, Lord Clifford and the other miniſters (as Biſhop Burnet acknowledges) had engaged their friends, in the Houſe of Commons, to attack him on the very meeting

1673. of the Parliament, for iſſuing the writs during the prorogation, it is probable that there was no union between him and the reſt of the miniſtry before he was Chancellor; that he was advanced to this poſt with a deſign to ruin him, or becauſe they could not prevail on the King to part with him; and that the ſpeech againſt the Dutch was calculated to expoſe him to the reſentment of the nation.

Deſigns of his enemies.

This laſt opinion will be ſtrengthened, upon taking notice, that, after he had delivered the ſpeech, the King ſpoke a ſecond time, which never happened before, and mentioned the iſſuing of the writs, deſiring the Commons not to fall upon any other buſineſs, till they had examined that particular. This ſeemed to be the reſult of a ſettled deſign, firſt to make the Chancellor unpopular by the ſpeech, and then to put the King upon recommending to the Houſe to begin with the examination of that affair, upon which the miniſtry had reſolved to engage their friends to impeach him. That the King ſhould forget it in his ſpeech, before the Lord Chancellor ſpoke, was very extraordinary: for the Commons had, the day before, even previous to the choice of their Speaker, complained of the writs; and it cannot be ſuppoſed that the King's firſt ſpeech was an extempore one.

Hisbehaviour as Lord Chancellor.

As Lord Shafteſbury, when he was diſmiſſed from his employment, received that public and uncommon teſtimony of regard from Prince Rupert, and the other Proteſtant Lords, for his conduct in the miniſterial part of his office, ſo his behaviour in the judicial part was attended with a general applauſe. From the time in which he received the ſeals, he applied himſelf, with great zeal and aſſiduity, to an honourable diſcharge of his high employment; not only by giving eaſe to the ſuitors, in a patient hearing and quick determination of their cauſes, and preventing, to the utmoſt

utmoſt of his power, any unneceſſary delays; but, alſo, by making the courſe of proceedings as open and as little burthenſome as poſſible. 1673.

Though he had not the poſſeſſion of the ſeals above a year, he took great pains to reform the court. This, however, he did not do in a haſty, ſuperficial manner, and with an abſolute confidence in his own judgment: but, when he had drawn up ſuch regulations as he thought proper, he gave copies to the moſt eminent * counſellors, and deſired their opinions, in writing, upon every part of them. When he had compared and digeſted theſe opinions, he formed his regulations †, which are very explicit, and extend to every branch of the court.

He found the records in a very bad condition; many of them having been defaced, miſplaced, or embezzled. In a ‡ letter to Sir Harbottle Grimſtone, Maſter of the Rolls,

* There is, among his papers, a collection of opinions of the Attorney and Sollicitor General, Serjeant Maynard, Mr. Peck, and others, endorſed by Mr. Locke, upon the regulations made by Lord Shafteſbury in the Regiſter Office, which abounded, at that time, with abuſes vexatious to the ſuitors.

† A book of them is ſtill remaining, with the following title, "A "collection of the orders heretofore uſed in Chancery, with ſuch al- "terations and additions thereunto, as the Right Honourable An- "thony Earl of Shafteſbury, Lord High Chancellor of England, by "and with the advice of Sir Harbottle Grimſtone, Bart. Maſter of "the Rolls, hath thought fit to ordain and publiſh for reforming of "ſeveral abuſes in the ſaid court, preventing multiplicity of ſuits, "motions, and unneceſſary charge to the ſuitors, and for their more "expeditious and certain courſe of relief."

‡ Sir Harbottle wrote him an anſwer, in which he acknowledged, that Lord Shafteſbury juſtly called it a ſhameful complaint; ſaid, that his predeceſſors had been very negligent therein; juſtified his own conduct, by ſome ſteps which he had taken; and aſſured him he would, for the future, keep them in better order.

1673. he repreſented the ill conſequence of this ſtate of the records, and deſired that, where the originals were damaged, authentic copies might be engroſſed and filed, and that, for the future, better care might be taken to preſerve them.

Review of his political conduct.

Lord Shafteſbury having been repreſented as a reſtleſs and ambitious man, it may not be improper to review his conduct from his firſt engagement in public affairs, till his diſmiſſion from them.

When he went to King Charles the Firſt at Oxford, the ſcheme which he propoſed was a neutral one, intended for compoſing the national diſſenſions. When, for his own ſafety, he was forced into the Parliament's quarters, he accepted of a command only in his native county, which had been harraſſed by the King's troops; and when he had conquered and driven out theſe troops, he laid down his commiſſion, and never held any lucrative employment, either under the Parliament or under Cromwell, whom he openly oppoſed.

For his important ſervices in bringing about the Reſtoration, he was the firſt perſon admitted into the Privy Council; and the King voluntarily conferred on him the office of Chancellor of the Exchequer and Under-Treaſurer.

As he came into employment without the intereſt of others, he always ſtood upon an independent footing; and, though he was allowed, even by his enemies, to have a genius ſuperior to all the miniſters, he continued in the ſame poſt above eleven years, without any advancement. No inſtance has been produced, no accuſation brought againſt him, that he endeavoured to raiſe himſelf higher, or that he formed any intrigue for that purpoſe.

During

During the ſhort time in which he poſſeſſed the ſeals, he was conſtantly employed in an honourable diſcharge of his truſt, and in promoting, by his authority and intereſt, the welfare of the public: and, at length, he reſigned his power with a content and an alacrity which were inconſiſtent with the ambition aſcribed to him. 1673.

SECTION

SECTION X.

The hiſtory of Lord Shafteſbury and his political tranſactions continued, to the time of his being committed to the Tower by the Houſe of Lords, for maintaining that the Parliament was diſſolved.

1673. Diſorders in Scotland.

IMMEDIATELY after the removal of the Earl of Shafteſbury from the office of Lord Chancellor, intelligence was received of great diſorders in Scotland. The Duke of Lauderdale's government in that country was ſo arbitrary and oppreſſive, and diſcovered ſo openly the deſigns of the court, that a general ſpirit of diſguſt and oppoſition was raiſed and ſpread among the people; by which means the King found himſelf deceived in his expectation of rendering the Scotch army ſubſervient to his ſchemes of power.

Bonne taken.

About the ſame time, Bonne was taken by the Prince of Orange. This diſconcerted the meaſures of the French Monarch ſo much, that King Charles had reaſon to believe he ſhould not be ſupplied with the fifty thouſand men who were engaged to be ſent him, when required. Theſe circumſtances, together with the diſcontents which the King found were ſpreading amongſt the people of England, and the ſpirit which he ſaw was riſing in the Parliament, filled him with no ſmall degree of uneaſineſs.

The King's complaint to the Earl of Oxford.

Under this anxiety, the King opened his mind to the Earl of Oxford, complaining how ill the Junto had uſed him: that

that they drove him on with ſuch violence, that he was very much in doubt what might be the conſequence: that he had had but one man about him, on whoſe fidelity and wiſdom he could rely, and they would never let him be at reſt, till that man was diſmiſſed: that he had ſince found himſelf encompaſſed with ſo many difficulties, that he muſt be obliged to recall Lord Shafteſbury, who was the moſt able to extricate him from them, and from whom he always heard his danger without reſerve. 1673.

Some time after, Monſieur Ruvigni, the Miniſter from France, waited on Lord Shafteſbury. He firſt made him many compliments in the name of the French King, as well as King Charles, on his abilities as a ſtateſman, his addreſs in the moſt difficult affairs, his reputation with the people, and his fidelity in all public truſts; after which, to convince him of the high eſteem which the King of France, in particular, had for him, he deſired his acceptance of ten thouſand guineas, as a preſent from that Monarch, and importuned him to ſend for them in the afternoon. He told him farther, that King Charles not only approved of, but was deſirous he ſhould take them; and had beſides authorized him to ſay, that if he would return again to court, he might chooſe what preferment he pleaſed; and that, if he did not approve of the ſeals, he ſhould have the white ſtaff, and be raiſed to the dignity of a Duke. Ruvigni's application to Lord Shafteſbury.

Lord Shafteſbury anſwered, that he did not doubt, from theſe extraordinary offers, but it was expected he ſhould adhere to the French intereſt, which he could never do, whilſt it was ſo incompatible with the intereſt of his country: that he was obliged to the French King for his favourable opinion, but could not by any means accept of the preſent deſigned for him; and even in caſe he ſhould do it, he could perform no ſervice in return, ſince no Engliſhman would follow Lord Shafteſbury's anſwer.

1673. follow him into an intereſt ſo apparently deſtructive to Great Britain; eſpecially, as the French King had lately given ſuch umbrage by the increaſe of his ſhipping, and becoming ſo powerful at ſea: that, if himſelf had acquired any reputation with the people, it was becauſe they believed he adhered to their rights and religion, and fell a ſacrifice upon that account; and that as ſoon as they ſhould find he had quitted them, they would leave him as ſpeedily *. He deſired Monſieur Ruvigni to repreſent him as full of duty to King Charles, and to aſſure him, that he had ſtill the ſame heart and diſpoſition to ſerve him, if he could do it conſiſtently with the intereſt of the Proteſtant religion, and the liberties of the people.

This conduct of Lord Shafteſbury, in refuſing a preſent, which he was ſolicited even by his own maſter himſelf to take, is illuſtrated by the following ſtory, which the Earl of Eſſex ſent in a letter from Ireland. It relates to a Chancellor of the Emperor Charles the Fifth, and may not be improperly introduced in this place, as the ſame arts were uſed with regard to Lord Shafteſbury, and with greater ſucceſs.

A ſtory. "The Emperor had a perſon of extraordinary worth for "his Chancellor, who having refuſed to paſs an unreaſona-

* Mr. Stringer, in his manuſcript, ſays, that he was at Lord Shafteſbury's when Monſieur Ruvigni came thither, and when he went out: that Ruvigni was in private with his Lordſhip near two hours, with only one gentleman, who was the interpreter between them; for though Lord Shafteſbury underſtood French, he was not ready in ſpeaking it: that, immediately after Monſieur Ruvigni was gone, he had an account of this converſation, with much more to the ſame purpoſe, from Lord Shafteſbury, and from the gentleman who was interpreter. Some time after, Monſieur Ruvigni told Lord Ruſſell (who was his relation) of his diſcourſe with Lord Shafteſbury.

"ble

" ble grant, ſome of the courtiers took their opportunity, 1673.
" when the Emperor was pleaſant and in good humour,
" among ſome of his merry companions, to prevail with him
" to ſend a poſitive command to his Chancellor for paſſing
" the grant, which ſtill the Chancellor refuſed. Theſe men
" of pleaſure (the very peſt and ruin of all courts, wherein
" ſuch inſinuate themſelves) failed not to exaſperate the
" Emperor againſt this miniſter; telling him he was af-
" fronted, and, if he ſuffered this, the Chancellor was Em-
" peror, and not himſelf, with many other expreſſions of
" the like kind, as is uſual upon ſuch occaſions; ſo that
" there was a ſecond and third poſitive command, with
" promiſe of advantage, and, at laſt, with threats of loſing
" his place, in caſe he refuſed. But the Chancellor, conti-
" nuing firm in his reſolution, ſtill utterly denied putting the
" ſeal to the grant; whereupon theſe gentlemen thought they
" had now clearly gained their point, and rid themſelves
" of this good miniſter, (whom they always found an ob-
" ſtructor of their exorbitant deſigns) urging the Emperor
" to make good his word, and ſend immediately for the
" ſeals: but this great Prince replied, Gentlemen, you are
" all miſtaken; for this Chancellor is an honeſt and true
" man, and ſo true to me, that I myſelf cannot bribe him
" to be otherwiſe."

Lord Shafteſbury has a private audience of the King.

Lord Shafteſbury, not knowing in what light his interview with Monſieur Ruvigni might be repreſented, deſired, by Mr. Chiffinch, a private audience of the King, who readily appointed him to be at eight o'clock that evening, at Mr. Chiffinch's lodgings; where he gave his Majeſty an account of the whole converſation; and was * preſſed by him, with more than ordinary warmth, to accept the offers.

* Stringer.

1673. He told the King, in anſwer, that he could never undertake to ſupport ſuch meaſures as were, in his opinion, repugnant to the welfare of England, and the Proteſtant religion; and which could be formed only by French counſels. He once more endeavoured to convince him of the fatal tendency of theſe meaſures; and repreſented to him how much he would conciliate the affections of his ſubjects, and raiſe his reputation with foreign countries, by making a peace with the Dutch, and joining the Confederates, in order to check the dangerous and prevailing power of France. But the King was inflexible upon this point: Lord Shafteſbury, therefore, took his leave, ſaying, that he ſhould be always ready to ſerve him with zeal and fidelity, when he could do it conſiſtently with his ſentiments.

Reflections. If Lord Shafteſbury's advice had prevailed, the repoſe of Europe might have been eſtabliſhed. This was the criſis in which it could moſt effectually have been done; as the common danger had before united the States General, the Emperor, the King of Spain, the Elector of Brandenburgh, and other Princes, in a league againſt France; into which King Charles might have entered, without being at any other expence than the pay and ſubſiſtence of his own troops.

If in that caſe the French King had continued the war, England, in conjunction with Holland, would have had an opportunity of deſtroying his naval ſtrength, which afterwards became ſo formidable and fatal to our trade. France, however, could not, at that time, have ſupported herſelf, under the weight which England would have added to the Confederates. The French King muſt, therefore, have ſubmitted to ſuch terms as would have been offered him; in conſequence of which his power would have been confined within proper limits, the Proteſtant intereſt have been ſtrengthened,

ſtrengthened, the liberties of Europe ſecured, and that deluge of blood prevented, which has ſince flowed from almoſt every country, as a ſacrifice to the ambition of France. 1673.

Nothing is more difficult than the renewal of confederacies among Princes, when once they are diſſolved by jealouſy or ſelf-intereſt. This has been dearly experienced by England, which, ever ſince that criſis, has been obliged to purchaſe allies, and bear the chief burthen of the wars with France; a burthen which the nation now feels in the moſt ſenſible manner, and under which it muſt for a long time labour.

The King was too much attached to France by choice, as well as by engagements; and the principles and inclinations of the Duke of York operated ſtill more ſteadily and zealouſly in its favour. The Dutcheſs of Portſmouth (the favourite miſtreſs) had no other views than to her own intereſt; and there were few or no Counſellors about his Majeſty but ſuch as were entirely under the influence of the Duke. This was the caſe, likewiſe, with regard to the King himſelf.

Lord Shafteſbury's attention to the colony of South Carolina.

As Lord Shafteſbury's capacity was extenſive, ſo were the occaſions on which it was employed. He conſidered nothing which related to the public as beneath his knowledge and attention; and, keeping in view the trade of England, as her principal ſtrength and ſupport, he thought that her colonies required her more immediate care, ſince, by being furniſhed from them with products for her manufactories, ſhe would retain more of her wealth at home, be more independent of other countries, and be able to trade with them to greater advantage. He was, therefore, particularly ſolicitous about the ſettling and eſtabliſhing of a

1673. new colony, which has ſince proved a conſiderable and increaſing fund of wealth to Great Britain.

In the year 1663, King Charles granted, by charter, a large tract of land on the ſouthern continent of North America, to the Duke of Albemarle, Lord Clarendon, Lord Shafteſbury, and five other perſons of diſtinction, for the eſtabliſhment of a colony, which was named South Carolina. The reſt of the proprietors, from their confidence in Lord Shafteſbury's abilities, left the ſole management of the affair to him; and, with the aſſiſtance of Mr. Locke, he framed the conſtitution, and drew up a body of laws for the good government of the province. He nominated the Governor and all the officers; and the care of tranſporting the firſt ſettlers, many of whom he aſſiſted out of his own private purſe, was ſolely in his direction. He kept a large correſpondence afterwards with them, and was always ready to hear the complaints of the meaneſt among them.

In a book, containing copies of the letters that he ſent thither from time to time, which book is ſtill remaining, there appears a great care of the people, a zeal for their rights, an enmity to oppreſſors, (even when they were his own friends, and employed by him) and a love for liberty in general, which was certainly his prevailing ſentiment: The reader, perhaps, will not be diſpleaſed with one or two of his letters written upon this account; as the openneſs of his temper, and the greatneſs of his ſpirit are evident in them.

" SIR, EXETER HOUSE, June 20, 1672.

Two letters written by him concerning Carolina.

" BY the laſt that came hither from Carolina, I find that " you were not received there with ſuch general ſatisfac- " tion, nor ſo forwardly admitted to the government we " intended

" intended you, as, perhaps, you imagined. I am ſorry 1673.
" to find any differences at all among you. The cauſes
" thereof I ſhall not enter into, but ſhall adviſe you, as my
" friend, not to make uſe of the government we have put
" into your hands, to revenge yourſelf on any who have
" ſpoke their apprehenſions, with that freedom which muſt
" be allowed men in a country wherein they are not de-
" ſigned to be oppreſſed, and where they may expect equal
" juſtice and protection.

" I have too great a value for your condition and abi-
" lity, not to deſire the continuance of a right underſtand-
" ing between us; and, therefore, I muſt take the liberty
" to deal freely with you, in a matter wherein we are both
" concerned; and tell you plainly, that I cannot avoid
" thinking that the ſuſpicions of thoſe men who have ex-
" preſſed a fear of your management of the government,
" had ſome grounds. It is in your power to ſet all right:
" I know you have dexterity enough to do it: you are now
" upon foundations of a larger extent than are uſual, and,
" perhaps, than in other places you have met with; and if
" you will but ſuit your government to them, and direct it
" wholly to the impartial proſperity of the whole plantation,
" and the planters in it, you will remove the jealouſies
" which, I muſt tell you, ſome of the plantation have con-
" ceived of you; you will oblige the Lords proprietors,
" and reap all thoſe advantages which are ſure to attend
" him who is the greateſt and moſt conſiderable man in
" a thriving plantation, and who hath contributed much
" to the advancement thereof.

" For my own part, I aſſure you, that having ſet my
" mind on carrying on this plantation, and engaged my
" word that the people ſhall live ſafe there, under the pro-
" tection of a fair and equal government; upon confi-
" dence

1673. " dence whereof moſt of the planters have come thither; " I ſhall think myſelf extremely injured by any one, who " ſhall put ſuch an affront upon me as to make thoſe who " truſted me be deceived; and am reſolved, at any rate, ri- " gorouſly to require ſatisfaction of any one, who, by any " undue proceedings, ſhall diſcompoſe the quiet of this ſet- " tlement. On the other ſide, I ſhall be as ready to ac- " knowledge to any one, whatever kindneſs they ſhall do, " or aſſiſtance they ſhall give to this plantation. I the " more frankly make this declaration to you, Sir John, be- " cauſe you have already contributed much, and are like " to do more, to the increaſe and growth of this place, " where you have a conſiderable intereſt, which ought to " make you have the ſame concernment for it that I " have.

" I return you my thanks for the forward inclination " you have ſhewn to Carolina; and tell you, moreover, " that you have it in your hands, by endeavouring the " public good of it, to make me your friend, as much and " as long as you pleaſe.

" I am, Sir,

To Sir John. " Your affectionate friend,

" SHAFTESBURY."

" SIR, EXETER HOUSE, Nov. 27, 1672.

" YOURS, of the 30th of September laſt, I have re- " ceived; and am glad to find that the tobacco of Carolina " has ſo good a reputation amongſt you. I was always " confident, and am daily more and more confirmed, that " it will prove the moſt flouriſhing plantation that ever

" was

" was ſettled in America, if it be not overlaid or ſtrangled 1673.
" in its infancy, by thoſe into whoſe hands we commit it.

" Though I am willing to believe all that you ſay of Sir
" John, and to have as good an opinion of him as may
" be, yet I muſt deal freely with you, and tell you, I can-
" not foreſee what advantage we ſhall receive from all thoſe
" able parts you mention, if he proceeds as he hath begun.
" Since he came in, we hear of nothing but wants and
" ſupplies. We muſt build a houſe for the Governor, and
" we muſt make proviſion for the entertainment of the
" Council: ſo that, if to take care of one, whatever be-
" comes of the people; if to convert all things to his pre-
" ſent private profit, be the mark of able parts, Sir John
" is, without doubt, a very judicious man.

" Notwithſtanding all this, my diſſatisfaction in him
" ceaſes, as ſoon as he ceaſes to diſcompoſe their affairs;
" but you muſt give me leave to profeſs to you, that unleſs
" theſe things be cured, and I find that care be taken of
" the plantation, I ſhall not have patience quietly to ſit ſtill
" and look on, whilſt the colony is deſtroyed; and ſhould
" it fall by his perverſe and indirect management, the in-
" dignation of having a deſign of ſo fair hopes, and ſo great
" conſequence, on which I had ſet my mind, ruined by
" his covetouſneſs or ambition, will make me require ſatiſ-
" faction in the remoteſt part of the world: for in this,
" which is my darling, and wherein I am intruſted, alſo,
" by others, I cannot ſuffer myſelf and them to be injured
" by any body, without great reſentment.

" I have writ thus plainly to you, becauſe I take you
" to be a friend to us both; and I deſire to be ſo to Sir
" John, as ſoon as, by an eaſy turn of himſelf, and his

" taking

1673. "taking care of the public concernment there, he ſhall "give me occaſion.

"I am

"Your very affectionate friend,

To Sir Peter Colleton, at Barbadoes. "SHAFTESBURY."

Lord Shafteſbury openly oppoſes the court meaſures.

As Lord Shafteſbury, whilſt employed by the Court, had uſed his utmoſt endeavours to free the King from the influence of French and Popiſh counſels, had often obſtructed the meaſures of the Junto, had, by the teſt act, removed the Duke of York from his places, and purged the offices of Papiſts; as he had a perfect knowledge of the deſigns of the miniſtry, and the tendency of them; ſo he now appeared, in a more open manner, the boldeſt and moſt ſtrenuous aſſerter of the Engliſh and Proteſtant cauſe. He had, with a wonderful addreſs, raiſed the oppoſition in the Houſe of Commons, where none of any conſequence had ſhewn itſelf before; in a Houſe of Commons, ſo devoted to the King, that it thought it could not give him too much, or carry his prerogative too high; a Houſe of Commons which had taken ſome ſteps in corruption, and was ſinking deeper into it; and this oppoſition he ever afterwards, with as ſurprizing a ſteadineſs, ſupported. He continued the head and ſpirit of it till the time of his death.

This character neither his knowledge, his ſagacity, his eloquence, his application, his ſteadineſs, nor all conjoined, could have qualified him for, without a known and conſummate integrity. Mankind are not long to be deluded with ſpecious appearances; and he that will be followed for a length of time, muſt convince them that he can be truſted.

Some

1673. Vindication of his conduct.

Some writers have confidently aſſerted, that this oppoſition, though right in itſelf, was, in Lord Shafteſbury, founded upon wrong principles, and chiefly on his revenge for being out of place; that his enmity to arbitrary power was only a pretence, and his zeal for the Proteſtant religion no more than an engine of popularity. Such general aſſertions are eaſily made, but they merit no regard unleſs they be well ſupported. They may as reaſonably claim belief on one ſide of a queſtion, as on the other. If Lord Shafteſbury's oppoſition was owing to reſentment, and this to his being out of power, the reſtoring of him to power again would have removed that reſentment.

King Charles and the Duke of York had great points in view, the conduct of which required the ſubtilty of the ableſt politicians. The King knew the ſuperiority of Lord Shafteſbury's parts, and his influence in the Parliament and the nation. If Lord Shafteſbury, therefore, had no reſtraint of principle, his ambition would naturally have led him into the intereſt of the court; and it was the intereſt of the court to gratify his ambition to its utmoſt extent.

1673-4. Meeting and proceedings of Parliament.

The Parliament met on the 7th of January, 1673-4, and immediately took into conſideration the ſeveral grievances of the public; the growth of Popery, the great power of France, and the continuance of the Dutch war. The Houſe of Lords addreſſed the King to iſſue out his proclamation, requiring all Papiſts, and reputed Papiſts, to remove out of London and Weſtminſter, during the ſeſſion of Parliament. Both Houſes afterwards addreſſed the King for a general faſt to implore the divine protection againſt the efforts of Popery. The deſign of this was to give the alarm through the nation; and it had its effect, by opening the eyes of the people, and ſhewing them that their religion was in danger.

1673-4. The Commons preſented, likewiſe, an addreſs to the King, that the militia of the city of London and county of Middleſex might be in readineſs, at an hour's warning, for ſuppreſſing all tumultuous inſurrections, which might be occaſioned by Papiſts, or any other malecontented perſons. Then they began an attack upon ſome of the miniſters. They unanimouſly voted that an addreſs ſhould be preſented to the King, "to remove the Duke of Lauder-"dale from all employments, and from his preſence and "counſels for ever; being a perſon obnoxious and dan-"gerous to the government." They drew up articles of impeachment againſt Lord Arlington, for his open protection, while Secretary of State, of the Roman Catholics; and for other advices and actions, as having been pernicious and illegal. They reſolved to proceed in the ſame manner with the Duke of Buckingham, who, deſiring to be heard at their bar, anſwered thoſe queries which, as is before related, were put to him by the Speaker, in which he endeavoured to juſtify his own conduct in ſome particulars, under the ſanction of Lord Shafteſbury's.

They then proceeded to prepare ſeveral bills for the ſecurity of the government, and the ſuppreſſion of Popery. They adviſed the King to make a ſeparate peace with the Dutch; reſolved to addreſs him to diſband all the forces raiſed ſince 1663; and appointed a Committee to inſpect the laws lately made in Scotland, whereby an * army was authorized to march directly into England or Ireland, by the ſole direction

* The act for raiſing this army in Scotland was paſſed in 1669, by the artifice and influence of Lord Lauderdale, the King's Commiſſioner. An account of it is given in a letter from him to King Charles, (vide Appendix) and is the ſame which Biſhop Burnet ſays Lord Lauderdale was to be impeached upon.

Burnet's Hiſtory, vol. i. p. 286.

of

of the Council of Scotland. They took into conſideration, likewiſe, the ſtate of Ireland, with regard to religion, the militia, and the forces of that kingdom. 1673-4.

Lord Shafteſbury, who had infuſed this ſpirit into the Houſe of Commons, contrived and promoted, by his friends, a bill "for better ſecuring the liberty of the ſubject." The Houſe appointed a Committee to inſpect the laws, and to conſider how the King might commit any ſubject by his immediate warrant; and how the law then ſtood, touching the committing of perſons by the Council table. Upon the report from the Committee, a bill was ordered to be brought in concerning writs of Habeas Corpus, which was read three times, and paſſed the Houſe. It did not, however, paſs into an act, at this time; for the King, alarmed at the vigour of the Commons, on the 24th of February, prorogued the Parliament to the 10th of November following, before any bill was ready for the royal aſſent. The prorogation was afterwards continued, and laſted about fourteen months. Parliament prorogued.

After this prorogation, Lord Shafteſbury retired to his ſeat in Dorſetſhire, where he lived in a manner becoming the ancient hoſpitality of a nobleman, and ſuitable to his eſtate, which was not in the leaſt improved by the valuable offices he had enjoyed.

As his removal from the place of Chancellor was known to be owing to the Duke of York and the Popiſh faction, it added a luſtre to his character.

In order to leſſen his reputation with the public, reports were induſtriouſly propagated, that he was returning to court, and that ſome great office was to be given him: but, having fixed his reſolution never to enter into the meaſures of the Junto, he reſolved, at the ſame time, to obviate

1673-4. theſe reports, by remaining in the country, till his duty in Parliament ſhould ſummon him to town.

The ſpirit which had been raiſed in Parliament ſoon exerted and diffuſed itſelf through the nation. The influence of the Duke of York, the danger of Popery, the power of France, and the male-adminiſtration of the miniſtry, were the univerſal topics of diſcourſe, and the conſtant ſubjects of cenſure.

1674. Arbitrary proclamation. To check and ſtifle this ſpirit, a proclamation was publiſhed in the London Gazette, May the 7th, 1674, ſtrictly forbidding all perſons "to intermeddle with the affairs of "ſtate and government, or with the perſons of any of his "Majeſty's Counſellors or Miniſters, in their common and "ordinary diſcourſes; and farther declaring, that his Ma-"jeſty would proceed with all ſeverity, not only againſt "ſuch perſons, but, alſo, againſt thoſe who ſhould be pre-"ſent where ſuch ſpeeches were uſed, without revealing "the ſame in due time."

This was a ſtep that was worthy only of a deſpotic government; and which was an equal proof of the wickedneſs and weakneſs of the miniſters. They betrayed by it, to the public, a conſciouſneſs of having acted ill, and a reſolution to perſiſt in doing it; and they fled to an aſylum, in which they could not hope for a protection: for to ſhut the eyes, or ſtop the ears, of people in danger of ſhipwreck, is impoſſible; and, therefore, to attempt it is ridiculous. As every man in the ſhip hath an intereſt in her ſafety, he has a right to point out the rocks or ſhallows, upon which the pilots are ignorantly or wilfully running.

The Miniſtry endeavour to corrupt the Parliament. The miniſtry had recourſe to another refuge, ſafer for themſelves, but more pernicious to the public: for the firſt was

was an act of arbitrary power, which every man could see, could feel the effects of, and must consequently resent; the last was an arrow shot in the dark, which, though not immediately fatal, could not but leave a wound too rancorous to be easily cured. This was a destructive corruption which was now spreading in the Parliament: for the court not only by the influence of places, but, also, by pensions, secured in its interest several members of the House of Commons; and thus was a venom infused into the constitution, which would have eaten out the vitals of it, had that Parliament continued much longer. 1674.

Lord Shaftesbury was well acquainted with this step of the ministers, and was sensible of the unhappy consequences with which it would be attended. He concluded that a Parliament which was devoted to the King solely from a view to private interest, could not be really useful to the public. As the apprehensions of the people, with regard to the designs of the court, were very great, he looked on a new Parliament as the only means of establishing an harmony between the King and the nation. He, therefore, thought that an application to his Majesty to call one would be seasonable and proper; that it was the right of any part of the nobility to give advice to the King in the recess of Parliament; and that, by the old constitution, this was their hereditary and undoubted privilege: a glorious privilege! and worthy of being asserted by them; a privilege that, by bringing them nearer to the throne, must add to their dignity; and which, when properly exerted, could not but cause them to be respected by the people, as the constant maintainers of their rights and liberties.

Lord Shaftesbury solicitous for a new Parliament.

That these were Lord Shaftesbury's sentiments, appears from the following excellent letter to the Earl of Carlisle; which displays, likewise, his regard for the King and Duke, his

his attachment to the public, and his firm adherence to his principles.

1674-5. His letter to the Earl of Carliſle.

* "MY LORD, Feb. 3, 1674-5.

"I VERY much approve of what my Lord Mordaunt "and you told me you were about; and ſhould, if I had "been in town, readily have joined with you; or, upon "the firſt notice, have come up: for it is certainly all our "duties, and particularly mine, (who have borne ſuch of- "fices under the crown) to improve any good correſpon- "dence or underſtanding between the Royal Family and "the people: and not leave it poſſible for the King to ap- "prehend, that we ſtand on any terms that are not as good "for him, as neceſſary for us. Neither can we fear to be "accounted undertakers at the next meeting of Parlia- "ment; for I hope it ſhall never be thought unfit for any "number of Lords to give the King privately their opi- "nion, when aſked; ſince, in former days, through all "the northern kingdoms, nothing of great moment was "acted by their Kings, without the advice of the moſt con- "ſiderable and active nobility, that were within diſtance, "though they were not of the ordinary Privy Council; "ſuch occaſions being not always of that nature as did re- "quire the aſſembling the great Council or Parliament. "Beſides, there are none ſo likely as us, nor any time "ſo proper as now, to give the only advice I know "truly ſerviceable to the King, affectionate to the Duke, "and ſecure to the country, (that is, a new Parliament) "which I will undertake at any time to convince your "Lordſhip, is the clear intereſt of them all.

"But, in the mean time, I muſt beg your's and my "Lord Mordaunt's pardon, that I came not up as I in-

* Bulſtrode's Memoirs, p. 264.

"tended;

" tended; for I hear from all quarters, of letters from 1674-5.
" Whitehall, that I am coming up to town; that a great
" office, with a ſtrange name, is preparing for me, and
" ſuch like. I am aſhamed I was thought ſo eaſy a fool,
" by thoſe who ſhould know me better; but I aſſure your
" Lordſhip, there is no place or condition will invite me to
" court, during this Parliament, nor until I ſee the King
" thinks frequent Parliaments as much his intereſt, as they
" are the people's rights: for, until then, I can neither
" ſerve the King as I would, nor think a great place ſafe
" enough for a ſecond adventure.

" When our great men have tried a little longer, they
" will be of my mind. In the mean time, no kind of
" uſage ſhall put me out of that duty and reſpect I owe to
" the King and Duke: but I think it would not be amiſs,
" for the men in great offices, who are at eaſe, and where
" they would be, to be ordinarily civil to a man in my
" condition; ſince they may be aſſured, that all their great
" places put together ſhall not buy me from my principles.
" My Lord, I beſeech you to impart this to the Earl of
" Saliſbury, my Lord of Falconbridge, and my Lord
" Holles; and when you four command me up, I will
" obey.

" I am ſorry my Lord Halifax had no better ſucceſs in
" his ſummer's negociation; and that his uncle Sir Wil-
" liam could make no nearer approach to the miniſters of
" ſtate, than the kiſſing the King's hand. I fear it is fatal
" to his Lordſhip to go ſo far, and no farther.

" My dear Lord,

" I am, moſt affectionately and ſincerely,

" Your Lordſhip's moſt devoted ſervant,

" SHAFTESBURY."

On

1675. Meeting of Parliament.

On the 13th of April, 1675, the Parliament met, when, notwithſtanding the intrigues of the court, an extraordinary vigour ſtill appeared in the Houſe of Commons, againſt the growth of Popery, the miniſters who ſupported or connived at it, the ſtate of affairs in Scotland, and the Engliſh troops being employed in the ſervice of France. This ſpirit was generally and juſtly attributed to Lord Shafteſbury; upon which, Rapin, after relating the tranſactions of the Commons, makes the following remark.

Vigorous proceedings of the Commons.

"It may be eaſily inferred from theſe proceedings of the "Commons, that they were extremely jealous of the King "and his miniſters, and did not doubt of the court's inten- "tion to introduce Popery, and invade the liberties of the "ſubject. Thoſe who would wholly aſcribe the ill humour "of the Commons to Shafteſbury's influences, can hardly "anſwer the abovementioned facts, which would not be "leſs true, though the Earl of Shafteſbury had never been "born."

This ill humour, as it is called, was then thought by the public, and has been ſince juſtified, by the concurrent teſtimony of the wiſeſt men, to be as true a ſpirit of patriotiſm as ever appeared. This it was which ſaved the liberties of the nation, at that time, from the arbitrary deſigns of the court, and laid the foundation for ſecuring them afterwards by the Revolution.

Deſtructive bill in the Houſe of Lords.

Whilſt Lord Shafteſbury was thus working, by his addreſs, in the Houſe of Commons, he gave ſhining proofs of his knowledge, and his eloquence, in the Houſe of Lords; where a bill, moſt evidently deſtructive of the conſtitution, was brought in by the miniſtry, intituled, "An act to pre- "vent the dangers which may ariſe from perſons diſaffected "to the government." By this bill, all perſons, who enjoyed

joyed any office, eccleſiaſtical, civil, or military; all Privy Counſellors and Members of Parliament, were obliged, under penalty, to take the oath which had been introduced firſt in the corporation, then in the militia act, and, afterwards, more fully, in the five mile act. The oath, as hath formerly been mentioned, was this: "I do declare that it "is not lawful, upon any pretence whatſoever, to take up "arms againſt the King; and that I do abhor that traiterous poſition of taking arms by his authority againſt his "perſon, or againſt thoſe that are commiſſioned by him, "in purſuance of ſuch commiſſion; and I do ſwear, that I "will not, at any time, endeavour the alteration of government, either in church or ſtate. So help me God." 1675.

The oath enjoined by it.

This bill was a large ſtride towards the eſtabliſhment of arbitrary power. It was brought in, to ſettle the doctrine of paſſive obedience by a legiſlative authority, and, at one ſtroke, to put ſhackles on the Parliament, as well as the reſt of the nation. For though, in the progreſs of the debate, a proviſo was added, that the privileges of Parliament ſhould be preſerved in the freedom of debates and votes; yet the oath was to remain, as a prohibition, even upon the members of either Houſe, to endeavour, by ſpeech, writing, or otherwiſe, any alteration in church or ſtate, farther than by ſpeaking and voting in Parliament.

Lord Shafteſbury was the firſt who appeared againſt this bill. He, and ſome other Lords, ſtrenuouſly inſiſted that it ſhould be laid aſide, or elſe that the freedom which muſt neceſſarily be uſed in oppoſing it might not be miſconſtrued. The Court and the Biſhops were earneſt for committing the bill; upon which, Lord Shafteſbury, who, "* in all the

Oppoſed by Lord Shafteſbury and other Lords.

* A letter from a perſon of quality to his friend in the country.

1675. "variety of changes of the laſt age, was never known to "be either bought or frighted out of his public princi- "ples," opened, at large, the ill deſigns and conſequences of the bill; and * ſpoke with ſuch convincing reaſons, that it was not referred to a Committee of the whole Houſe, till after a debate of five days; a circumſtance which hardly ever happened to any bill before.

Proteſts againſt it.

Four proteſts were entered againſt ſeveral ſteps which were taken in the firſt progreſs of it; and theſe were chiefly drawn up by Lord Shafteſbury. The ſecond, which was againſt committing the bill, aſſerted, "that it ſtruck at the "root of government, and that freedom of voting and de- "bating, which is neceſſary for thoſe who have the power "to alter and make laws; and that the bill obliged every "man to abjure all endeavours to alter the government in "the church, without regard to any thing that rules of "prudence in the government, or chriſtian compaſſion to "Proteſtant Diſſenters, or the neceſſity of affairs, at any "time, might require."

This proteſt was no ſooner entered and ſubſcribed, but the Court Lords and the Biſhops raiſed a ſtorm againſt thoſe who had ſubſcribed it; and endeavoured to take away the

* Biſhop Burnet acknowledges Lord Shafteſbury's diſtinguiſhing himſelf on the occaſion of this bill; and ſays, "he ſpoke once a whole "hour to ſhew the inconveniency of condemning all reſiſtance upon "any pretence whatſoever; and the very ill conſequence it might be "of to lay ſuch an oath on a Parliament. And yet, though his words "were watched, ſo that it was reſolved to have ſent him to the Tower, "if any one word had fallen from him, that had made him liable to "ſuch a cenſure, he ſpoke both with ſo much boldneſs and ſo much "caution, that, though he provoked the court extremely, no advan- "tage could be taken againſt him."

Burnet's Hiſtory, vol. i. p. 384—5.

liberty

liberty of entering proteſts with reaſons. They voted, 1675.
" that the reaſons given in the ſaid proteſt did reflect upon
" the honour of the Houſe, and were of dangerous conſe-
" quence." This was attended by another proteſt againſt that vote; which proteſt raiſed a ſtill greater flame in the Houſe, and called forth a noble inſtance of the ſpirit of Lord Holles, who ſupported, with great learning, the liberty of proteſting with reaſons; and who, having been abſent, by ſickneſs, at the former queſtion, deſired that he might then have leave to ſign the proteſt, and take his fortune with thoſe Lords who had already done it, and were in danger of being ſent to the Tower.

Farther progreſs of the debate.

During the debate in the Committee, an objection was made to the oath, that no care was taken of the doctrine, but only of the diſcipline of the church; and, therefore, that the Papiſts need not ſcruple taking the oath; ſince epiſcopacy would remain in its full luſtre, though the Popiſh religion ſhould be introduced; whereas the King's ſupremacy would be joſtled aſide by the oath, and room be made for an eccleſiaſtical ſupremacy. In conſequence of this objection, the advocates for the bill changed that part of the oath, as follows:

" I do ſwear, that I will not endeavour to alter the Pro-
" teſtant religion, or the government either of church or
" ſtate."

In oppoſition to this amendment, Lord Shafteſbury urged, that it was a far different thing to believe, or be fully perſuaded of, the truth of the doctrine of our church, and to ſwear " Never to endeavour to alter it;" which laſt muſt be utterly unlawful, unleſs an infallibility ſhould be placed either in the church, or the perſon who took the oath; every man being, otherwiſe, obliged to change his views

1675. and conduct, upon having a clearer or better light: and he desired leave to ask, "Where are the boundaries, or where shall "we find how much is meant by the Protestant religion?"

The definition of the Protestant religion, by some of the Bishops.

The Lord Keeper, who was now Lord Finch, thinking he had gotten an advantage, desired, with his usual eloquence, that it might not be told in Gath, nor published in the streets of Askelon, that a Lord of so great parts and eminence, and professing himself a member of the church of England, should not know what is meant by the Protestant religion! Then the Bishop of Winchester, and other Bishops, condescended to instruct Lord Shaftesbury, "that the Pro-"testant religion was comprehended in the Thirty-nine Ar-"ticles, the Liturgy, the Catechism, the Homilies, and the "Canons."

Lord Shaftesbury's reply.

To this Lord Shaftesbury replied, that he begged so much charity of them, as to believe that he knew the Protestant religion so well, and was so confirmed in it, that he hoped he should burn for the witness of it, if Providence should call him to it; but he might, perhaps, think some things not necessary, which they accounted essential: nay, he might think some things not true, or agreeable to the Scripture, that they might call doctrines of the church. Besides, when he was to swear, "never to endeavour to alter," it was certainly necessary to know, how far the just extent of this oath was. But, since they had told him, that the Protestant religion was in those five tracts, he had still to ask, "Whether "they meant that those whole tracts were the Protestant re-"ligion, or only that the Protestant religion was contained "in them?" If they meant the former of these, then he was extremely in the dark, to find the doctrine of Predestination, in the seventeenth and eighteenth articles, to be owned by so few great doctors of the church; and to find the nineteenth article define the church directly as the Independents

pendents did. Beſides, the twentieth article's manner of ſtating "the authority of the church" was very dark, and either contradicted itſelf, or ſaid nothing, or what was contrary to the known laws of the land; not to mention, that ſeveral other things in the thirty-nine articles had been preached and written againſt, by men of great favour, power, and preferment in the church. 1675.

He humbly conceived the Liturgy was not ſo ſacred, being drawn up by men the other day, under a pretence of making ſuch alterations as might the better unite people; inſtead whereof, there was ſcarce one alteration but widened the breach; and no ordination was allowed here by the Liturgy (as it ſtood laſt reformed in the act of uniformity) but what was epiſcopal: inſomuch that a Popiſh Prieſt was capable, when converted, of any church preferment, without re-ordination; whereas every Proteſtant Miniſter, not epiſcopally ordained, was required to be re-ordained. Thus as much as poſſible had been done to unchurch all the Foreign Proteſtants that had not Biſhops; though the contrary was both allowed and practiſed from the beginning of the Reformation, till the time of the uniformity act; and ſeveral Biſhops had been made of ſuch as were never ordained Prieſts by Biſhops. Moreover, the uncharitableneſs of it was ſo much againſt the intereſt of the crown, and of the church of England (as it caſt off the dependency of the whole Proteſtant party abroad) that it would have been bought by the Pope, and the French King, at a vaſt ſum of money; and it was difficult to conceive that ſo great an advantage fell to them merely by chance, and without their help: ſo that he thought to endeavour to alter and reſtore the * Liturgy

* As Lord Shafteſbury ſaid, that he thought the Liturgy might be mended, he himſelf began an improvement of it, for the conſideration of

1675. turgy to what it was in Queen Elizabeth's days, might conſiſt with his being a very good Proteſtant.

As to the Catechiſm, he really thought it might be mended; and durſt declare to them, it was not well that there was not a better made.

For the Homilies, he thought there might be a better book made; and the third Homily of "repairing and keeping clean of churches," might be omitted.

What was yet ſtranger, the Canons of our church were directly the old Popiſh Canons, which were ſtill in force, and no other; as would appear by the ſtat. 25 Hen. VIII. cap. 19. confirmed and received by 1 of Eliz. whereby all thoſe Canons were eſtabliſhed, until an alteration ſhould be made by the King, in purſuance of that act: which thing was attempted by Edward VI. but not perfected, and was let alone ever ſince; for what reaſons, the Lords the Biſhops could beſt tell: and it was very hard to be obliged, by oath, not to endeavour to alter either the Engliſh Common Prayer Book, or the Canon of the Maſs.

But if they meant the latter; that "the Proteſtant religion was contained in all thoſe tracts, but that every part of them was not the Proteſtant religion;" then he apprehended it might be in the Biſhops power to declare, EX POST FACTO, what was the Proteſtant religion or not: or elſe they muſt leave it to every man to judge for himſelf, what parts of thoſe books were or were not; and then their oath had been much better let alone.

of the Biſhops; and there is ſtill extant, among his fragments, a paper, wherein he had ſelected pſalms for particular ſervices in the church, which are extremely well choſen.

If

If the Lord Keeper, and the Biſhops, triumphed over Lord Shafteſbury before his reply, they had no reaſon to do it afterwards: for what he ſaid was not anſwered by any of them. 1675. The Biſhops make no reply.

This knowledge which, in an unpremeditated reply, he ſhewed of the doctrines of the church of England, proved the juſtneſs of King Charles's remark, "that though Lord "Shafteſbury had not been regularly bred a lawyer or a "divine, he knew more law than all his Judges, and more "divinity than all his Biſhops."

Lord Shafteſbury, ſtanding near the Biſhops bench one day, when he ſpoke long in this debate, overheard one of the Biſhops ſaying to another, "I wonder when he will "have done preaching?" He immediately turned, and ſaid, "When I am made a Biſhop, my Lord;" and then proceeded in his ſpeech to the Houſe, without the leaſt heſitation or diſorder. Repartee of Lord Shafteſbury's.

Notwithſtanding a proviſo was obtained, by the Country Lords, for preſerving the freedom of debates and votes in Parliament, an objection was ſtill made to the bill, by the Earl of Bolingbroke, that a reſtraint was laid even upon Members of Parliament out of doors; and that the oath took away all private converſe upon any public parliamentary affairs, even with one another. Farther debate on the bill.

Upon this, Lord Shafteſbury preſently drew up ſome words, for preſerving the rights, privileges, and freedoms, which men enjoyed by the law eſtabliſhed. He was ſupported by many others in his motion, but was ſtrongly oppoſed by the Court Lords, who plainly declared, that they deſigned, by the bill, to prevent Caballing, and to hinder Parliament Men from conſulting with perſons in public offices,

1675. fices, either of the Army, Treaſury, or Navy, about parliamentary buſineſs: and they obviated every objection by a majority of votes.

Mean ſpirit of the nobility.

Though there were many worthy perſons among the nobility, who were true lovers of their country, and aſſertors of its liberties, the greater part meanly acted under the influence of the court, and in ſubſervience to the commands of the miniſters. Unmindful of the virtues of their anceſtors, their only emulation was to acquire wealth, or excel in luxury; and they were contented to load themſelves with chains, provided theſe chains were more glittering than thoſe of their fellow ſubjects. It was a melancholy preſage for the public, when the men whoſe example was the moſt likely to be imitated, became thus depraved; and when the foremoſt in rank were the foremoſt in corruption.

The bill puſhed on by the court.

This bill, which would have rendered Parliaments entirely uſeleſs, was ſo highly agreeable to the court, that the miniſtry exerted their utmoſt ſtrength in its favour. Juſt before the meeting of Parliament, a privy ſeal was paſſed for eighty thouſand pounds for ſecret ſervice. The deſign of this money was to prepare the two Houſes to concur in the bill, and it actually ſecured a majority in each Houſe. But this meaſure, and the dangerous tendency of the bill, only ſerved to animate the Lords in the oppoſition; who, by their conſtant and cloſe attendance, and by the ſtrength of their arguments, checked the progreſs of it in ſuch a manner, that the debate, upon one part or other, continued for ſeventeen days.

This vigorous ſtand made the court ſtill more intent upon ſucceeding in its ſcheme; and, therefore, another privy ſeal was paſſed for one hundred and twenty thouſand pounds more, for the ſame ſervice; and every queſtion

was

was carried in ſpite of the force of argument. But what truth could not do, Lord Shafteſbury effected by his policy. 1675.

Having gained time, by the ſpirit which appeared againſt the bill, he contrived, before it could be reported from the Committee, to raiſe ſuch a difference between the Houſes, upon a point of privilege, as rendered their ſitting impracticable, and defeated the intentions of the court.

Dr. Shirley's appeal.

An appeal, from a decree in Chancery, had been brought into the Houſe of Lords, by Dr. Shirley, againſt Sir John Fagg, a member of the Houſe of Commons. The Lords received the appeal; which was reſented by the Commons, and declared to be a breach of privilege. They, likewiſe, paſſed a vote, that no appeal from any Court of Equity was cognizable by the Houſe of Lords; and ordered Dr. Shirley into the cuſtody of the Serjeant at Arms. The Speaker's warrant for doing this was forcibly taken from the Serjeant's deputy, by Lord Mohun. The Commons demanded juſtice of the Peers againſt him; but he was ſo ſtrongly ſupported by Lord Shafteſbury, and others, that the Lords juſtified, by a vote, what he had done. The Houſe of Commons ordered the lawyers who pleaded in the cauſe to be taken into cuſtody; and the Lords immediately ordered their releaſe. Theſe ſteps, which were purſued, with great heat, in both Houſes, obliged the King to prorogue the Parliament, on the 9th of June, to the 13th of October following.

Difference between the Lords and Commons.

Parliament prorogued.

The bill defeated by the breach between the Houſes.

Lord Shafteſbury's ſcheme was improved with great art and vigour, till it produced an open rupture between the Houſes; and probably no other method could have been taken to defeat the pernicious bill: for the majority of the Commons, by the great ſums diſperſed among them, were

1675. ready to purſue the directions of the court. They would not, however, give up a point of privilege; and their jealouſy upon the occaſion enflamed them by degrees, till they had gone too far to retreat. This was not foreſeen by the miniſtry, till it was too late to be prevented; ſo that it rendered void all the proceedings of that ſeſſion.

Schemes for obtaining a diſſolution of Parliament.

The views of the Court, and the diſpoſition of the Commons, made Lord Shafteſbury the more earneſt to procure a diſſolution of the Parliament. This was the frequent ſubject of his diſcourſe, the conſtant object of his thoughts, during the prorogation. He endeavoured to perſuade the principal members in both Houſes (what he told Lord Carliſle, in his letter, he was ready to do) that a new Parliament would be for the intereſt both of the Prince and people. At the ſame time, he reſolved to foment the quarrel between the Houſes at their meeting; that the Court might grow weary of the Parliament, and be more readily induced to diſſolve it.

The Duke of York and the Papiſts were brought into a belief that a new Parliament might be more favourable to them: for though the preſent Parliament had gone ſuch lengths in extending the prerogative, it had been too vigorous againſt Popery, to relax, or to give the Roman Catholics any hopes of repealing, the penal laws againſt them. Whilſt, therefore, Lord Danby and others of the miniſtry were apprehenſive of its meeting, though the Court was in neceſſity for a ſupply; the Duke was ſolicitous for it, with the expectation of ſome ſteps being taken that might bring about the diſſolution; for which he, and moſt of his friends, afterwards voted. This was undoubtedly what his Secretary Coleman alluded to, in the following paragraph of a letter to the Inter-nuncio, dated at Windſor, Auguſt the 30th, 1675.

"We

1675.

" We now paſſionately wiſh to ſee the coming on of the " Parliament, which we ſo much feared before: and, while " it was held doubtful, whether it ought to meet or no, " we employed all our power to bring it on; which point " we have gained but within theſe few days. And, for my " part, I no ways doubt but that we ſhall receive as much " good by it, as we apprehended ill; provided that the Duke " fail not in the good reſolutions which he hath taken."

Lord Shafteſbury affronted by Lord Digby.

Lord Shafteſbury was, at this time, pointed out as the principal object of the Court's diſpleaſure. Frequent menaces were thrown out againſt him, but he was not affected by them, or diverted from his purſuits. Being in Dorſetſhire, during part of the receſs of Parliament, Lord Digby applied to him for his intereſt to be choſen Knight of the Shire, in the room of Colonel Strangeways deceaſed. Lord Shafteſbury ſaid, that he could give no anſwer, till he knew whether his friend Mr. Freke would be a candidate; and afterwards, with great frankneſs, told Lord Digby, that he could not ſupport his intereſt, and gave him his reaſons. Lord Digby, ſoon after, on the 27th of Auguſt, 1675, before a great aſſembly of the principal perſons of the county at Fernditch Lodge, ſaid to him, in a paſſion, " You are " againſt the King, and for ſeditions and factions, and for " a Commonwealth, and I will prove it; and by God we " will have your head next Parliament."

and accuſed in Parliament by Lord Briſtol.

What deſign this threat was grounded on is not known, but the Earl of Briſtol, (Lord Digby's father, and a Roman Catholic) on the 20th of November, attempted, in the Houſe of Lords, to charge Lord Shafteſbury with crimes of a high nature. It does not appear, by the Journals, what the charge was; but it is recorded in them, that the Lords, by an unanimous vote, declared that the charge was

1675. groundleſs, and ordered the Earl of Briſtol to aſk Lord Shafteſbury's pardon.

As the affront which he had received from Lord Digby was public, he reſolved that the ſatisfaction ſhould be ſo likewiſe. He brought an action againſt him in the King's Bench: the words were atteſted by ſeveral gentlemen preſent; and, upon a full proof, the jury gave eleven hundred and fifty pound damages.

Meeting of Parliament.

When the Parliament met, on the 13th of October, the Court was ſo apprehenſive of a revival of the quarrel between the Houſes, that the King, in his ſpeech, deſired, "If any thing of that kind ſhould ariſe, they would defer "thoſe debates, till they had brought the public bills to "perfection."

The deſign of this advice, and the conſequences that would have attended a compliance with it, were obvious. Dr. Shirley's appeal was, therefore, ſoon brought in; and, upon a motion's being made, on the 20th of October, to appoint a day for the hearing, the miniſtry ſtrenuouſly oppoſed it; but Lord Shafteſbury as ſtrongly ſupported it, in the following remarkable ſpeech:

"My Lords,

Lord Shafteſbury's ſpeech on Dr. Shirley's appeal.

"OUR all is at ſtake, and, therefore, you muſt give "me leave to ſpeak freely before we part with it. My "Lord Biſhop of Saliſbury is of opinion, 'that we ſhould "rather appoint a day, to conſider what to do upon the "petition, than to appoint a day of hearing;' and my "Lord Keeper (for I may name them at a Committee of "the whole Houſe) tells us, in very eloquent and ſtudied "language, 'that he will propoſe us a way far leſs liable

"to

" to exception, and much leſs offenſive and injurious to our 1675.
" own privileges, than that of appointing a day of hear-
" ing.' I beſeech your Lordſhips, did not you, after all
" theſe fine words, expect ſome admirable propoſal? But it
" ended in this, ' that your Lordſhips ſhould appoint a
" day, nay, a very long day, to conſider what you would
" do in it.' And my Lord hath undertaken to convince
" you, that this is your only courſe, by ſeveral undeniable
" reaſons; the firſt of which is, ' that it is againſt your
" judicature to have this cauſe, which is not proper before
" us, nor ought to be relieved by us.'

" To this, my Lords, give me leave to anſwer, that I
" did not expect, from a man profeſſing the law, that after
" an anſwer, by order of the Court, was put in, and a day
" had been appointed for hearing, (which, by ſome acci-
" dent, was ſet aſide) and the plaintiff moved for a ſecond
" day to be aſſigned, that ever, without hearing counſel on
" both ſides, the Court did enter into the merits of the
" cauſe: and if your Lordſhips ſhould do it here, in a caſe
" attended with the circumſtances this is, it would not only
" be an apparent injuſtice, but a plain ſubterfuge to avoid
" a point you durſt not maintain.

" But my Lord's ſecond reaſon ſpeaks the matter more
" clearly; ' becauſe it is a doubtful caſe, whether the
" Commons have not privilege; and, therefore, my Lord
" would have you to appoint a farther and a long day to
" conſider of it;' which, in plain Engliſh, is, that your
" Lordſhips ſhould confeſs, upon your books, that you
" conceive it, on ſecond thoughts, a doubtful caſe: for ſo
" your appointing a day to conſider will do, and that for
" no other reaſon but becauſe my Lord Keeper thinks it ſo:
" which, I hope, will not be a reaſon to prevail with your
" Lordſhips, ſince we cannot yet, by experience, tell that

" his

1675. " his Lordſhip is capable of thinking your Lordſhips in the " right, in any matter againſt the judgment of the Houſe " of Commons; it is ſo hard a thing, even for the ableſt of " men, to change ill habits.

" But my Lord's third reaſon is the moſt admirable of " all, which he ſtiles unanſwerable, viz. ' that your Lord- " ſhips are all convinced in your conſciences, that this (if " proſecuted) will cauſe a breach.' I beſeech your Lord- " ſhips, conſider whether this argument, thus applied, " would not overthrow the law of nature, and all the laws " of right and property in the world: for as it is an argu- " ment, and a very good one, that you ſhould not ſtand " or inſiſt on claims, where you have not a clear right, or " where the queſtion is not of conſequence and moment, " in a matter that may produce a dangerous or pernicious " breach between relations, perſons, or bodies politic " joined in intereſt and high concerns together; ſo, on " the other hand, if the obſtinacy of the party in the wrong " ſhall be made an unanſwerable argument for the other " party to recede, and give up his juſt rights, how long " ſhall the people keep their liberties, or the princes or " governors of the world their prerogatives? How long ſhall " the huſband maintain his dominion, or any man his pro- " perty, from his friend's or his neighbour's obſtinacy? " But, my Lords, when I hear my Lord Keeper open ſo " eloquently ' the fatal conſequences of a breach,' I can- " not forbear falling into ſome admiration, how it comes " to paſs, that, if the conſequences be ſo fatal, the King's " miniſters in the Houſe of Commons, of which there are " ſeveral that are of the Cabinet, and have daily reſort to " his Majeſty, and have the direction and truſt of his af- " fairs; I ſay, that none of thoſe ſhould preſs theſe conſe- " quences there, or give the leaſt ſtop to the career of that " Houſe in this buſineſs; but that all the votes concerning

" this

" this affair, nay, even that very vote, ' that no appeal 1675.
" from any Court of Equity is cognizable by the Houſe of
" Lords,' ſhould paſs NEM. CONTRADICENTE, and yet all
" the great miniſters with us here, the Biſhops, and other
" Lords of great dependance on the Court, contend this
" point as if it were PRO ACIS ET FOCIS.

" I hear his Majeſty, in Scotland, hath been pleaſed to
" declare againſt Appeals in Parliament. I cannot much
" blame the Court, if they think that (the Lord Keeper
" and the Judges being of the King's naming, and in his
" power to change) the juſtice of the nation is ſafe enough;
" and I, my Lords, may think ſo too, during the King's
" time, though I hear Scotland, not without reaſon, com-
" plains already. Yet who can ſee how future Princes may
" uſe this power, and how Judges may be made, not men
" of ability or integrity, but men of relation and depen-
" dance, and who will do what they are commanded; and
" then all mens cauſes come to be judged, and eſtates to
" be diſpoſed of, as great men at Court ſhall pleaſe.

" My Lords, the conſtitution of our government hath
" provided better for us; and I can never believe, ſo wiſe
" a body, as the Houſe of Commons, will prove that fooliſh
" woman, which plucks down her houſe with her own
" hands.

" My Lords, I muſt preſume, in the next place, to ſay
" ſomething to what was offered by my Lord Biſhop of Sa-
" liſbury; a man of great learning and abilities, and al-
" ways verſed in a ſtronger and cloſer way of reaſoning
" than the buſineſs of that noble Lord I anſwered before
" did accuſtom him to do: and that Reverend Prelate hath
" ſtated the matter very fair upon two heads.

" The

1675. " The firſt, whether the hearing of cauſes and appeals, " and eſpecially, in this point, where the members have " privilege, be ſo material to us, that it ought not to give " way to reaſons of ſtate, or greater affairs that preſs us at " this time.

" The ſecond was, if this buſineſs be of that moment, " yet, whether the appointing a day to conſider of this pe- " tition, would prove of that conſequence and prejudice " to your cauſe.

" My Lords, to theſe give me leave, in the firſt place, " to ſay, that this matter is no leſs than your whole judi- " cature; and your judicature is the life and ſoul of the " dignity of the Peerage of England. You will quickly " grow burthenſome, if you grow uſeleſs. You have now " the greateſt and moſt uſeful end of Parliament principally " in you; which is not to make new laws, but to redreſs " grievances, and to maintain the old land marks. The " Houſe of Commons buſineſs is to complain; your Lord- " ſhips to redreſs, not only the complaints from them who " are the eyes of the nation, but all other particular per- " ſons that addreſs to you.

" A land may groan under a multitude of laws, and I " believe ours does; and when laws grow ſo multiplied, " they prove oftener ſnares, than directions and ſecurity to " the people. I look on it as the ignorance and weakneſs " of the latter age, if not worſe, the effect of the deſigns of " ill men, that it is grown a general opinion, that where " there is not a particular direction in ſome act of Parlia- " ment, the law is defective; as if the common law had " not provided much better, ſhorter, and plainer, for the " peace and quiet of the nation, than intricate, long, per- " plexed ſtatutes do, which have made work for the " lawyers,

" lawyers, given power to the Judges, leſſened your Lord- 1675.
" ſhips power, and, in a good meaſure, unhinged the ſe-
" curity of the people.

" My Lord Biſhop tells us, ' that your whole judicature
" is not in queſtion, but only the privilege of the Houſe of
" Commons, of their members not appearing at your bar.'
" My Lords, were it no more, yet, for juſtice and the
" people's ſake, you ought not to part with it. How far
" a privilege of the Houſe of Commons, their ſervants, and
" thoſe they own, doth extend, Weſtminſter-Hall may, with
" grief, tell your Lordſhips. And the ſame privilege, of
" their members being not ſued, muſt be allowed by your
" Lordſhips, as well. And what a failure of juſtice this
" would prove, whilſt they are Lords for life, and you for
" inheritance, let the world judge.

" For my part, I am willing to come to a conference,
" whenever the diſpute ſhall begin again; and dare under-
" take to your Lordſhips, that they have neither precedent,
" reaſon, nor any juſtifiable pretence, to ſhew againſt us;
" and, therefore, my Lords, if you part with this un-
" doubted right, merely for aſking, where will the aſking
" ſtop? And, my Lords, we are ſure it doth not ſtop here:
" for they have already, nemine contradicente, voted
" againſt your Lordſhips power of Appeals from any Court
" of Equity! ſo that you may plainly ſee, where this caution
" and reaſon of ſtate means to ſtop. Not one jot ſhort of
" laying your whole judicature aſide.

" For the ſame reaſon, of paſſing the King's money, of
" not interrupting good laws, or whatever elſe, you muſt
" of neceſſity avoid all breach, upon what ſcore ſoever.
" Thus your Lordſhips plainly ſee, the breach will be as
" well made upon your judicature in general, as upon

1675. " this point; ſo that, when your Lordſhips have appointed
" a day, a very long day, to conſider whether Dr. Shir-
" ley's cauſe be not too hot to handle, and when you have
" done the ſame for Sir Nicholas Stanton, whoſe petition, I
" hear, is coming in, your Lordſhips muſt proceed to a
" vote to lay all private buſineſs aſide for ſix weeks: for
" that phraſe, of private buſineſs, hath obtained, this laſt
" age, upon that which is your moſt public duty and buſi-
" neſs, namely, the adminiſtration of juſtice. And I can
" tell your Lordſhips, beſides the reaſon that leads to it,
" that I have ſome intelligence of the deſigning ſuch a vote:
" for, on the ſecond day of your ſitting, at the riſing of
" the Lords Houſe, there came a gentleman into the lobby,
" belonging to a very great perſon, and aſked, in very
" great haſte, 'Are the Lords up? Have they paſſed the
" vote?' and being aſked, what vote? he anſwered, 'the
" vote for no private buſineſs for ſix weeks.'

" My Lords, if this be your buſineſs, ſee where you are;
" if you are to poſtpone our judicature, for fear of offend-
" ing the Houſe of Commons, for ſix weeks, that they, in
" the interim, may paſs the money, and other acceptable
" bills, which his Majeſty thinks of importance. Are ſo
" many wiſe men in the Houſe of Commons to be laid
" aſleep, and to paſs all theſe acceptable things, and when
" they have done, to let us to be let looſe upon them?
" Will they not remember this, next time, when there is
" want of money? Or, may they not rather be aſſured by
" thoſe miniſters that are amongſt them, and go on ſo una-
" nimouſly with them, that the King is on their ſide in this
" controverſy? And when public buſineſs is over, our
" time ſhall be too ſhort to make a breach, or vindicate
" ourſelves in the matter; and then, I beg your Lord-
" ſhips, where are you? If, after you have aſſerted, but
" the laſt ſeſſions, your right of judicature ſo highly, even

" in

" in this point, and after the Houſe of Commons had gone 1675.
" ſo high againſt you, on the other hand, as to poſt up
" their declaration and remonſtrances on Weſtminſter-Hall
" doors, the very next ſeſſion after, you poſtpone the very
" ſame cauſes, and not only thoſe, but all judicatures
" whatſoever, I beſeech your Lordſhips, will not this prove
" a full precedent and confeſſion againſt ourſelves?

" It is a maxim, and a rational one, amongſt the
" lawyers, that one precedent, where the caſe has been
" conteſted, is worth a thouſand where there has not been
" a conteſt.

" My Lords, in ſaying this, I humbly ſuppoſe, I have
" given a ſufficient anſwer to my Lord Biſhop's ſecond
" queſtion, ' Whether the appointing a day to conſider
" what you will do with this petition, be of that conſe-
" quence to your right?' for it is a plain confeſſion, that it
" is a doubtful caſe, and that infinitely ſtronger than if it
" were a new thing to you, never before heard of; whereas
" it is the very ſame caſe, and every thing deſired in that
" caſe, that you formerly ordered, and ſo ſtrongly aſſerted;
" ſo that, after due time, and all the deliberation imagina-
" ble, you declare yourſelves to become doubtful; and put
" yourſelves out of your own hands, into that power which
" you have no reaſon to believe is on your ſide the
" queſtion.

" My Lords, I have all the duty imaginable to his Ma-
" jeſty; and ſhall, with all ſubmiſſion, give way to any
" thing he ſhall think of importance to his affairs. But in
" this point, it is to alter the conſtitution of the govern-
" ment, if you are aſked to lay this aſide; and there is no
" reaſon of ſtate can be an argument to throw yourſelves
" out of that intereſt you have in the conſtitution of the

1675. " government. It is not only your concern, that you " maintain yourſelves in it; but it is the concern of the " pooreſt man in England, that you keep your ſtation. " It is your Lordſhips concern, and that ſo highly, that I " will be bound to ſay, the King can give none of you a " requital or a recompence for it. What are empty titles? " What is preſent power, or riches, and a great eſtate, " wherein I have no firm, fixed property? It is the con- " ſtitution of the government, and maintaining it, that ſe- " cures your Lordſhips, and every man elſe, in what he " hath. The pooreſt Lord, if the birthright of his peerage " be maintained, has a fair proſpect before him, for him- " ſelf or his poſterity. But the greateſt title, with the " greateſt power and riches, is but a mean creature; and " maintains thoſe in abſolute monarchies, no otherwiſe " than by ſervile and low flatteries, and upon uncertain " terms.

" My Lords, it is not only your intereſt, but the intereſt " of the nation, that you maintain your rights. For, let " the Houſe of Commons, and gentry of England, think " what they pleaſe, there is no Prince that ever governed " without nobility, or an army. If you will not have one, " you muſt have the other, or the Monarchy cannot long " ſupport or keep itſelf from tumbling into a Democratical " Republic. Your Lordſhips and the people have the ſame " cauſe, and the ſame enemies. My Lords, would you be " in favour with the King? it is a very ill way to it, to " put yourſelves out of a future capacity to be conſidera- " ble in his ſervice. I do not find in ſtory, or in modern " experience, but that it is better, and a man is much " more regarded, who is ſtill in a capacity and opportu- " nity to ſerve, than he that hath wholly deprived himſelf " of all for his Prince's ſervice: and, therefore, I declare,

" that

" that I will ſerve my Prince as a Peer, but will not de- 1675.
" ſtroy the Peerage to ſerve him.

" My Lords, I have heard of twenty fooliſh models, ex-
" pedients, to ſecure the juſtice of the nation, and yet to
" take this right from your Lordſhips; as the King, by
" his commiſſion, appointing Commoners to hear appeals;
" or that the twelve Judges ſhould be the perſons; or that
" perſons ſhould be appointed by act of Parliament; which
" are all not only to take away your Lordſhips juſt right,
" that ought not to be altered, any more than any other
" part of the government, but are in themſelves, when
" well weighed, ridiculous.

" I muſt deal freely with your Lordſhips: theſe things
" could never have riſen in peoples minds without ſome
" kind of provocation that has given the firſt riſe to it.
" Pray, my Lords, forgive me, if, on this occaſion, I put
" you in mind of Committee Dinners, and the ſcandal
" of it; as, alſo, thoſe droves of ladies that attend all
" cauſes. It was come to that paſs, " that men hired, or
" borrowed of their friends, handſome ſiſters, or handſome
" daughters, to deliver their petitions:' but yet, for all
" this, I muſt ſay, that your judgments have been ſacred,
" unleſs in one or two cauſes; and thoſe we owe moſt to
" that bench, from whence we now apprehend moſt dan-
" ger.

" There is one thing I had almoſt forgot to ſpeak to,
" which is the conjuncture of time, the hinge on which the
" reaſon of ſtate turns; and to that, my Lords, give me
" leave to ſay, if this be not a time of leiſure for you to
" vindicate your privileges, you muſt never expect one.
" I could almoſt ſay, that the harmony, good agreement,
" and concord, which are to be prayed for at other times,
" may

1675. " may be fatal to us now. We owe the peace of theſe laſt " two years, and the diſengagements from the French in- " tereſt, to the two Houſes differing from the ſenſe and opi- " nion of Whitehall. So, at this time, the thing in the " world this nation hath moſt reaſon to apprehend, is a ge- " neral peace, which cannot now happen without very ad- " vantageous terms to the French, and diſadvantageous to " the Houſe of Auſtria.

" We are the King's great counſellors, and, if ſo, have " a right to differ, and give contrary counſels to thoſe few " that are neareſt about him. I fear they would advance " a general peace. I am ſure, I would adviſe againſt it, " and hinder it, at this time, by all the ways imaginable. " I heartily wiſh nothing from you may add weight and re- " putation to thoſe counſels that would aſſiſt the French. " No money for ſhips, nor preparations you can make, nor " perſonal aſſurances our Prince can have, can ſecure us " from the French, if they are at leiſure.

" The French King is grown the moſt potent of us all " at ſea: he has built twenty-four ſhips this laſt year, and " has thirty more than we; beſides the advantage, that " our ſhips are all out of order, and his ſo exquiſitely pro- " vided for, that every ſhip has its particular ſtorehouſe. " It is incredible the money he hath, and what he has laid " out in making of harbours. He makes even nature it- " ſelf give way to the vaſtneſs of his expence; and, after " all this, ſhall a Prince ſo wiſe, ſo intent upon his affairs, " be thought to make all theſe preparations to ſail over " land, and fall on the back of Hungary, and batter the " walls of Kaminietz? Or, is it poſſible he ſhould overſee " his intereſt in ſeizing of Ireland, a thing ſo feaſible to him, " if he be maſter of the ſeas, as he certainly now is; and " which, when attained, gives him all the ſtr[illegible]n Medi- " terranean,

" terranean, Eaſt and Weſt-India trade, and renders him, 1675.
" both by ſituation and excellent harbours, perpetual
" maſter of the ſeas without diſpute.

" My Lords, to conclude this point, I fear the Court of
" England is greatly miſtaken in it: and I do not wiſh it
" the reputation of the concurrence of the kingdom, and
" this out of the moſt ſincere loyalty to his Majeſty, and
" love to my nation.

" My Lords, I have but one thing more to trouble you
" with, and that, perhaps, is a conſideration of the greateſt
" weight and concern, both to your Lordſhips, and the
" whole nation. I have often ſeen in this Houſe, that the
" arguments with ſtrongeſt reaſon, and moſt convincing to
" the Lay Lords in general, have not had the ſame effect
" upon the Biſhops Bench; but that they have unanimouſly
" gone againſt us, in matters that many of us have thought
" eſſential and undoubted rights: and I conſider, that it is
" not poſſible, that men of great learning, piety, and rea-
" ſon, as their Lordſhips are, ſhould not have the ſame
" care of doing right, and the ſame conviction what is
" right, upon clear reaſon offered, that your other Lordſhips
" have. And, therefore, my Lords, I muſt neceſſarily
" think we differ in principles: and then, it is very eaſy
" to apprehend, what is the cleareſt ſenſe to men of my
" principle, may not at all perſuade or affect the conſcience
" of the beſt man of a different one. My principle is, 'that
" the King is King by law, and by the ſame law that the
" poor man enjoys his cottage;' and ſo it becomes the con-
" cern of every man in England, that has but his liberty,
" to maintain and defend, to his utmoſt, the King in all
" his rights and prerogatives. My principle is, alſo, 'that
" the Lords Houſe, and the judicature and rights belong-
" ing to it, are an eſſential part of the government,' and
" eſta-

1675. " eſtabliſhed by the ſame law. The King, governing and " adminiſtring juſtice by his Houſe of Lords, and adviſing " with both his Houſes of Parliament, in all important " matters, is the government I own, I was born under, " and am obliged to. If ever there ſhould happen, in fu- " ture ages, (which God forbid!) a King governing by an " army, without his Parliament, it is a government I own " not, am not obliged to, nor was born under.

" According to this principle, every honeſt man, that " holds it, muſt endeavour equally to preſerve the frame of " the government, in all the parts of it; and cannot ſatisfy " his conſcience, to give up the Lords Houſe for the ſervice " of the Crown, or to take away the juſt rights and privi- " leges of the Houſe of Commons to pleaſe the Lords.

" But there is another principle got into the world, my " Lords, that hath not been long there; for Archbiſhop " Laud was the firſt author, that I remember of it: and I " cannot find that the Jeſuits, or, indeed, the Popiſh " Clergy have ever owned it, but only ſome of the Epiſ- " copal Clergy of our Britiſh iſles; and it is withal, as it is " new, ſo the moſt dangerous, deſtructive doctrine to our " government and law, that ever was: it is the firſt of the " canons publiſhed by the Convocation 1640, 'that mo- " narchy is of divine right.' This doctrine was then " preached up and maintained by Sibthorp, Manwaring, " and others; and of late years, by a book publiſhed by " Dr. Sanderſon, Biſhop of Lincoln, under the name of " Archbiſhop Uſher: and how it is ſpread amongſt our " dignified clergy, is very eaſily known.

" We all agree, that 'the King and his government is " to be obeyed for conſcience ſake,' and that the divine " precepts require not only here, but in all parts of the " world,

" world, ' obedience to lawful governors :' but that ' this 1675.
" family are our Kings, and this particular frame of go-
" vernment is our lawful conſtitution, and obliges us,' is
" owing wholly to the particular laws of our country.

" This Laudean doctrine was the root that produced the
" bill of teſt laſt ſeſſion, and ſome very perplexed oaths,
" that are of the ſame nature with that, and impoſed by ſe-
" veral acts this Parliament.

" In a word, if this doctrine be true, our Magna Charta
" is of no uſe; our laws are but rules among ourſelves,
" during the King's pleaſure. Monarchy, if of divine
" right, cannot be bounded or limited by human laws;
" nay, what is more, cannot bind itſelf: and all our
" claims of right by the law, or conſtitution of the govern-
" ment, all the juriſdiction and privilege of this Houſe, all
" the rights and privileges of the Houſe of Commons, all
" the properties and liberties of the people, are to give way,
" not only to the intereſt, but the will and pleaſure of the
" Crown; and the beſt and worthieſt of men, holding this
" principle, muſt vote to deliver up all we have, not only
" when reaſon of ſtate, and the ſeparate intereſt of the
" Crown require it, but when the will and pleaſure of the
" King is known to have it ſo; for that muſt be, to a man
" of that principle, the only rule and meaſure of right and
" juſtice. Therefore, my Lords, you ſee how neceſſary it
" is, that our principles be known, and how fatal to us all
" it is, that this principle ſhould be ſuffered to ſpread any
" further.

" My Lords, to conclude; your Lordſhips have ſeen of
" what conſequence this matter is to you, and that the ap-
" pointing a day to conſider, is no leſs than declaring your-
" ſelves doubtful, upon ſecond and deliberate thoughts:

1675. " that you put yourſelves out of your own hands into a more
" than moral probability of having this ſeſſion made a prece-
" dent againſt you. You ſee your duty to yourſeves and the
" people; and that it is not really the intereſt of the Houſe of
" Commons, but may be the inclination of the Court, that
" you loſe the power of Appeals. But I beg our Houſe may
" not be FELO DE SE; but that your Lordſhips would take,
" in this affair, the only courſe to preſerve yourſelves;
" and appoint a day, this day three weeks, for the hearing
" Dr. Shirley's cauſe; which is my humble motion."

Lord Shafteſbury's jealouſy of the riſing greatneſs of France appeared on every occaſion, but in this ſpeech it is very remarkable; as are, likewiſe, his apprehenſions leſt ſuch a peace ſhould be made as would be favourable to the ambitious views of France. By the intrigues of the French Court, and the folly and influence of our's, a treaty of this kind was, about two years afterwards, actually concluded at Nimeguen; a treaty by which France was confirmed in her conqueſts and her power, and the alliance againſt her was broken to pieces.

Lord Shafteſbury's fear of ſuch a peace, and his early and open declaration of it, is a ſtrong evidence that his cenſures of the treaty after its concluſion, did not proceed from a mere diſpoſition to find fault with the conduct of affairs, but from the wiſdom of his political views.

Diſpute between the Houſes continued.

As the Court was ſecure of a majority in the Houſe of Commons, and was ſanguine in its expectations from the preſent ſeſſion, the utmoſt efforts were uſed to evade a revival of the diſpute. But Lord Shafteſbury ſo prevailed with the Peers to maintain their judicature, that, after ſeveral days debate, they appointed the 20th of November for hearing the cauſe. The Commons were again enflamed at this, and inſiſted

nſiſted on their privileges; and none were more earneſt among them than Lord Shafteſbury's friends. When, therefore, the contention between the two Houſes was raiſed to a proper height, an addreſs was propoſed in the Houſe of Lords, for a diſſolution of the Parliament. 1675. Motion for an addreſs to diſſolve the Parliament.

This was ſtrongly debated, and Lord Shafteſbury exerted his uſual vigour and eloquence. He repreſented the great inconvenience of long Parliaments; that ſuch a continuance of them as had taken place with regard to the preſent Parliament, was an alteration of the conſtitution; that it drew the members off from the public intereſt; and rendered them more liable to be corrupted. He repreſented, likewiſe, that the privilege which the members, and thoſe protected by them, had, of being exempted from arreſts, was, in a Parliament of long duration, a great preſſure upon the people.

Many other arguments were delivered by Lord Shafteſbury, and ſome of the Peers; but the Court, which had been at ſuch an expence to ſecure a number of friends in the Houſe of Commons, was unwilling to loſe the benefit of its purchaſe: it tried, therefore, its whole ſtrength, and carried the queſtion, by two voices only, againſt the diſſolution *. Carried in the negative.

This was immediately followed by a proteſt, drawn up by Lord Shafteſbury, and ſigned by him and above twenty Proteſt of ſeveral Lords.

* It is remarkable that the Duke of York, and ſeveral of his friends, concurred with the patriotic Lords, though from very different principles, in ſupporting the addreſs for a diſſolution of Parliament. The Duke of York conſidered the Commons as not ſufficiently favourable to the cauſe of Popery; while the patriotic Lords knew that great numbers of them were too ready to comply with the arbitrary deſigns of the Court.

1675. other Peers; in which they ſet forth, "That it was ac-
"cording to the ancient laws and ſtatutes of the realm,
"that there ſhould be frequent new Parliaments: that it
"was not reaſonable, that any particular number of men
"ſhould for ſo many years engroſs ſo great a truſt of the
"people, as to be their repreſentatives in the Houſe of
"Commons; nor was it advantageous to the government;
"the mutual correſpondence and intereſt of thoſe who
"chooſe, and are choſen, admitting of great variations in
"length of time: and that the long continuance of any
"ſuch as are intruſted for others, and who have ſo great a
"power over the purſe of the nation, muſt naturally en-
"danger the producing of factions and parties, and the
"carrying on of particular intereſts and deſigns, rather
"than the public good."

Parliament prorogued for fifteen months.

This ſpirit in the Houſe of Lords, and the contentions between the two Houſes, obliged the Court to prorogue the Parliament, two days after, on the 22d of November, 1675, to the 15th of February, 1676-7, which was fifteen months; a prorogation without a precedent!

Pamphlet againſt Lord Shafteſbury.

During this prorogation, and towards the approach of the next ſeſſion, a * book came out by authority, intitled, "A packet of advice to the men of Shafteſbury." But, as we are informed in the Account of the Growth of Popery, "the name of the author was concealed, not out of any "modeſty, but that he might with more ſecurity exerciſe "his impudence, not ſo much againſt ſome noble Lords, "as againſt all public truth and honeſty: nor did the book "deſerve naming, no more than the author, but that "they ſhould rot together in their own infamy, had not "the firſt events of the following ſeſſion made it remarka-

* See the Account of the Growth of Popery.

"ble,

" ble, that the wizard dealt with ſome ſuperior intelli- 1675.
" gence."

The whole force of this pamphlet, as may be judged by the title, was turned againſt Lord Shafteſbury. To him was imputed the great oppoſition to the bill for enjoining the oath above-mentioned; the diviſion between the two Houſes, in order to defeat it; the debate for the addreſs to the King to diſſolve the Parliament; and, indeed, every obſtacle which was thrown in the way of the Court. He was called a fairy fiend that haunted both Houſes; and was made the principal, if not the ſole, mover of all that ſpirit which appeared in the Parliament and the nation.

The good or bad deſigns of the Court, and the tendency of its meaſures, muſt render this charge either an honour or a diſgrace to Lord Shafteſbury. That the intentions of the Junto were pernicious, their counſels and their conduct very corrupt, appeared evidently, at that time, to the public; and hath ever ſince been allowed by all unprejudiced perſons.

The capacity which Lord Shafteſbury had diſcovered in countermining the ſchemes of the Court, and the boldneſs with which he laid them open to the nation, ſo irritated the Junto, that a reſolution had been formed to lay hold on the firſt opportunity of ſecuring or removing him; and ſuch an opportunity was afforded by the debate that aroſe concerning the long prorogation of the Houſes.

This prorogation was thought ſo dangerous to the conſti- 1676-7.
tution, that, before the opening of the ſeſſion, it was be- Meeting of Parliament.
come an object of general cenſure. When the Parliament met on the 15th of February, 1676-7, the Duke of Buckingham, who had lately joined the Country Lords, endeavoured

1676-7. voured to prove, that the laſt prorogation of the Parliament was null and void in law. He maintained, likewiſe, in his ſpeech, that the Parliament was diſſolved; and grounded his opinion upon the ancient and unqueſtionable ſtatutes of the realm. He urged particularly, that, in the 4th of Edward the Third, cap. 14. "It is accorded, that a Parliament ſhall be holden every year once, and more often if need be;" and that, in the 36th of the ſame King, in the act of Parliament relating to Magna Charta, and other ſtatutes, were theſe words: "Item, For maintenance of theſe articles and ſtatutes, and the redreſs of divers miſchiefs and grievances which daily happen, a Parliament ſhall be holden every year, as at other times was ordained by another ſtatute." The Duke aſſerted, that as this prorogation had put off the Parliament to a day beyond the year, the doing of which was excepted againſt by law, the Parliament ought conſequently to be diſſolved. He deſired that the Judges, as was uſual, might give their opinions upon the matter; and concluded with moving for an addreſs to the King, that, for his own ſake, as well as the people's, he would ſpeedily call a new Parliament.

Debate whether it was diſſolved by the laſt prorogation.

On the other ſide, it was moved by Lord Frecheville that the Duke might be called to the bar; which was oppoſed, as an extravagant motion, by Lord Saliſbury, who ſupported the Duke's propoſal with great courage and reaſon. However, another courtier, * "Lord Arundel of Trerice, a man of no leſs conſideration and authority than Lord Frecheville, renewed the motion for calling the Duke to the bar: but there were yet too many Lords between; and the couriers of the Houſe of Commons brought up advice every moment, that the matter was yet in agitation among them; ſo that the Earl of Shafteſbury had opportunity to

* Account of the Growth of Popery.

"appear

" appear with ſuch extraordinary vigour, both in what " concerned the Duke of Buckingham's perſon, and his " propoſal, that, as the Duke of Buckingham might have " ſtood ſingle in any rational conteſt, ſo the Earl of Shafteſ- " bury was more properly another principal than his ſecond. " Thus, for five or ſix hours, it grew a fixed debate, till " the expected news came, that the Commons were riſen " without doing any thing; whereupon the greater num- " ber called for the queſtion, and had it in the affirmative, " that the debate upon the Duke's queſtion ſhould be laid " aſide. 1676-7.

" Being thus fluſhed, but not ſatisfied, with their victory, " the Courtiers fell upon their adverſaries in cool blood; " queſtioning ſuch as they thought fit that night, and, the " morrow after, ſentencing them, viz. the Duke of Buck- " ingham, the Earl of Saliſbury, the Earl of Shafteſbury, " and the Lord Wharton, to be committed to the Tower, " under the notion of contempt, during his Majeſty's and " the Houſes pleaſure. That contempt was their refuſing " to recant their opinion, and aſk pardon of the King " and the Houſe of Lords. Thus a prorogation without " precedent was to be warranted by an impriſonment with- " out example."

Proceedings againſt Lord Shafteſbury and other Lords.

When the debate was reſumed, the three laſt Lords, having ſpoken in their own defence, were ordered to withdraw; as was, likewiſe, the Duke of Buckingham, who took that opportunity to go out of the way, and ſo was not ſentenced to the Tower the ſame day with the reſt. The Houſe then made a diſtinction between the offence of Lord Shafteſbury, and the offence of Lord Saliſbury and Lord Wharton, or rather between their perſons. It was allowed that the two laſt had not aſſerted that the Parliament was diſſolved, but only that the prorogation was illegal; and, therefore, it was

1676-7. was ordered that they ſhould be called to their places, and reprehended there by the Lord Chancellor, and ſhould be required to aſk pardon of the King and the Houſe: but Lord Shafteſbury was not to be ſo mildly treated. The Courtiers carried the queſtion, that he ſhould be brought to the bar, and make his acknowledgment upon his knees, in theſe words, viz. "I do acknowledge that my endeavouring to "maintain that this Parliament is diſſolved, was an ill ad-"viſed action; for which I humbly beg pardon of the "King's Majeſty, and of this moſt honourable Houſe."

They are committed to the Tower.

Lord Shafteſbury refuſed, however, to own himſelf guilty of the charge, and to make the acknowledgment required; and, therefore, he was the firſt who, as a delinquent, was ſentenced to be committed to the Tower, during the pleaſure of the King and the Houſe. The Earl of Saliſbury and Lord Wharton had too much honour and reſolution to forſake him. They would not accept of the indulgence in the diſtinction which was made between them. They refuſed to aſk pardon, and were, upon that, ordered to be committed to the Tower. The Duke of Buckingham, who did not deny the charge of having aſſerted that the Parliament was diſſolved, ſurrendered himſelf the next day, and was committed, likewiſe, to the ſame place.

SECTION

SECTION XI.

From Lord Shafteſbury's being committed to the Tower, to the Time of his Releaſe.

1676-7. Order concerning the impriſoned Lords.

WHEN the Lords were firſt committed, great numbers went to viſit them, which ſo provoked the Court party, that the next day an order was made that they ſhould be kept ſeparate, and not ſuffered to meet together; and that no perſons ſhould be permitted to ſee them without leave of the Houſe. But this had not the effect deſired; for it produced daily applications from many of the Peers, and other perſons of diſtinction, for leave to viſit them.

Books condemned by the Houſe of Lords.

The Houſe of Lords, being under the influence of the Court, ſhewed its ſeverity againſt ſeveral books, which had been publiſhed in order to prove the diſſolution. One of theſe was written by Lord Holles, and was called, "The "grand queſtion, concerning the prorogation of the Par- "liament for a year and three months, ſtated and diſ- "cuſſed." It was corrected from the preſs by Dr. Nicholas Carey, who, refuſing, at his examination before the Houſe of Lords, to diſcover his knowledge of the author, was fined in the ſum of one thouſand pounds, and ordered to be kept a priſoner in the Tower till it was paid.

1677. The two Houſes adjourned.

Upon the 16th of April, the two Houſes, by direction from the King, adjourned themſelves to the 21ſt of May; and then to the 16th of July.

1677. The views of the Court in the adjournments.

The views of the Court in theſe adjournments, for which there was not the leaſt pretence of public buſineſs, were very evident; for the four Lords might have claimed a right to their diſcharge upon a prorogation, being committed during the pleaſure of the King and the Houſe. The power over them during the receſs centered in the King. This method of committing a number of members to priſon, for delivering their opinions in Parliament, and of giving the Crown a power to releaſe or continue them in confinement, had a moſt dangerous tendency. It was opening a way for the King (being ſure of a majority) to invade, at any time, the privileges of Parliament, to terrify and puniſh ſuch members as he diſliked, and to weaken thereby every oppoſition to his meaſures. It was doing, likewiſe, under a parliamentary ſanction, which muſt have a worſe effect, what Charles the Firſt had done by violence.

Lord Shafteſbury's application to the King's Bench.

Lord Shafteſbury ſingly ſtood in the breach on this occaſion. He reſolved to aſſert the liberty of the ſubject in an open regular way; in a way which, he was aſſured, muſt draw the attention of the public. If the King had a power to releaſe him, he thought an application to him more proper in his court of juſtice, than in the cabinet. He took, therefore, the uſual method, which every ſubject has a right to for obtaining his liberty. Having very ſufficient bail ready to offer, he petitioned the Court of the King's Bench for an Habeas Corpus; and, upon the return of it, directed to the Conſtable of the Tower, he was brought up to the bar, on Wedneſday, June the 27th, 1677; but, there being a diſpute about the ſufficiency of the return, the Friday following was appointed by the Judges, to take it into conſideration.

When the caſe was argued, his counſel gave many reaſons why he ought to be bailed; but the Attorney and Solicitor

Solicitor General inſiſted that the court could not relieve any perſon committed by either Houſe of Parliament. 1677.

Upon this, Lord Shafteſbury readily anſwered their objections, in the following ſpeech, the ſubſtance of which only is preſerved; but, from the inaccuracy in taking it down, its elegance is probably, in a great meaſure, deſtroyed.

" My Lord,

His ſpeech in the King's Bench Court.

" I DID not intend to have ſpoken one word in this " buſineſs; but what hath been objected, and laid to my " charge, by the King's counſel, Mr. Attorney and Mr. So- " licitor, inforces me to ſay ſomething for your better ſa- " tisfaction. They have told you that my counſel, in their " arguments, ſaid, that this court was greater than the " Houſe of Peers: I dare appeal to your Lordſhip, and the " whole court, that it was never ſpoken by them: I am " ſure it was not by any direction of mine. What is " ſaid by my counſel and me is, that this court is the moſt " proper place to reſort unto, in thoſe caſes where the li- " berty of the ſubject is concerned. The Lords Houſe is " the ſupreme court of judicature in the kingdom; but yet " there is a juriſdiction which the Lords Houſe do not " meddle with.

" The King's counſel mentioned it as a wonder, that a " member of the Lords Houſe ſhould come hither to dimi- " niſh the juriſdiction of the Lords. I acknowledge them " to be ſuperior to this or any other court; to whom all " appeals and writs of error are brought: and yet there " are juriſdictions they do not challenge, and which are not " natural to them, or proper for them. They claim not to " meddle in original caſes: and ſo I might mention in other

1677. " things: and I do not think it a kindneſs to any perſon or " body of men, to give them a power or juriſdiction which " is not natural or proper to their conſtitution. I do " not think it would be any kindneſs to the Lords, to " make them abſolute and above the law; as I do humbly " conceive this muſt do, if it be adjudged that they, by a " general warrant, or without any particular cauſe aſſigned, " do commit me or any man to a perpetual and indefinite " impriſonment: and, my Lord, I am not ſo inconſidera- " ble a perſon, but what you do in my caſe muſt be law " for every man in England.

" Mr. Attorney is pleaſed to ſay, I am a member of the " Lords Houſe, and to lay weight on the word Member. " It is true, I am one of them, and no man hath a greater " reverence and eſteem for the Lords than myſelf: but I " hope, by being a Peer or member of either Houſe, I ſhall " not loſe the privilege of an Engliſhman, or have the leſs " title to Magna Charta, or the other laws of Engliſh liberty.

" My opinion is not, with one of my counſel, (who ar- " gued very learnedly) that the paſſing an act by the " King's royal aſſent, cannot make a ſeſſion, becauſe the " uſual promiſe was not in it. It was without any inſtruc- " tion of mine, that he mentioned that point.

" The King's counſel tell your Lordſhip of the laws and " cuſtoms of Parliament; and if this was ſo, I ſhould ſub- " mit: but this caſe of mine is PRIMÆ IMPRESSIONIS, " and is a new way, ſuch as neither Mr. Attorney nor Mr. " Solicitor can ſhew any precedent of; and I have no other " remedy or place to apply myſelf to than the way I take.

" Mr. Attorney confeſſeth, that the King's pleaſure may " releaſe me without the Lords. If ſo, this court is CORAM

" REGE:

" REGE: this is the proper place to determine the King's plea- 1677.
" ſure. This court will, and ought to, judge an act of Parlia-
" ment null and void, if it be againſt Magna Charta; much
" more may it judge an order of the Houſe, that is put in
" execution to deprive any ſubject of his liberty: and if this
" order or commitment be a judgment, as the King's coun-
" ſel affirm, then it is out of the Lords hands, and properly
" before your Lordſhip, as much as the acts which were
" lately paſſed, which, I preſume, you will not refuſe to
" judge of, notwithſtanding Mr. Attorney General ſaith,
" that this Parliament is ſtill in being. I take it ſomething
" ill, that he tells me I might have applied elſewhere.

" My Lord, I have not omitted what became my duty
" to the King: for, beſides the oath of allegiance I took as
" a Peer or an Engliſhman, there is ſomething in my
" breaſt that will never ſuffer me to depart from the duty
" and reſpect I owe him. I am here before him: he is al-
" ways ſuppoſed to be here preſent, and he alloweth his
" ſubjects the law.

" My Lord, they ſpeak much of the cuſtom of Parlia-
" ment: but I do affirm there is no cuſtom of Parliament,
" that ever their own members were put out of their own
" power; and the inconveniences of it will be endleſs.

" Mr. Attorney was pleaſed eaſily to anſwer the objec-
" tion of one of my counſel: if a great miniſter be ſo com-
" mitted, he hath the cure of a pardon, a prorogation, or
" a diſſolution. But if the caſe ſhould be put, why forty
" members, or a greater number, may not as well be taken
" away without remedy in any of the King's courts, he
" will not ſo eaſily anſwer; and if there can be no relief in
" this caſe, no man can foreſee what will be hereafter.

" I deſire

1677. " I desire your Lordship will consider what rule you " make in my case; for it will be a precedent that may, in " future ages, concern every man in England.

" My Lord, Mr. Attorney saith you must either release " or remand me. I differ from him in that opinion; I do " not insist upon a release. I have been a prisoner above " five months already, and came hither of necessity, having " no other way to get my liberty; and, therefore, am " very willing to tender your Lordship bail, which are in " or near the court, as good as any are in England, either " for their estates or quality; and I am ready to give any " sum or number.

" My Lord, this court being now possessed of the busi- " ness, I am your prisoner."

The opinions of the Judges.

Three of the Judges gave their opinions that Lord Shaftesbury could not be relieved by that court; and though the fourth (Judge Twisden) was not present at the hearing, he had, before the court sat, desired Sir Thomas Jones to deliver his, likewise, against the discharge.

The other Lords released upon petition.

When the Lords in the Tower saw the issue of this application to the King's Bench, and that no other door would be opened for their liberty, they petitioned the King for their release. He readily granted the petition of the Duke of Buckingham, (who had been principal in the offence, if there was any) the Earl of Salisbury, and the Lord Wharton; but Lord Shaftesbury was distinguished from the rest.

Lord Shaftesbury still detained.

He was continued in confinement, and kept under a severe restraint. To add farther to his mortification, there was another long and unprecedented adjournment, from the 16th of July to the 3d of December; another from this day to the 15th of January; and then to the 28th.

During

1677.

During theſe adjournments, no perſon could gain admittance to Lord Shafteſbury, without a particular order from the King, who referred every one that aſked to his brother the Duke of York. By this means Lord Shafteſbury's confinement was rendered as ſtrict as poſſible; which, as he was not committed for high treaſon, was an unneceſſary act of cruelty; a weakneſs in any Prince to ſhew.

Severe treatment of him.

Lord Shafteſbury's cloſe confinement was the greater hardſhip upon him, as he was labouring under an infirm conſtitution, which was owing to the accident that he had met with in the King's ſervice at Breda. However, this deviation from the common forms of government, and the cuſtoms of Parliament, with no other view than to diſtreſs him, and to ſubdue his ſpirit, as it was a proof of the Court's reſentment againſt him, was a proof, likewiſe, of its fear of him, and tended to raiſe his character with the public.

Lord Shafteſbury, finding the miniſtry determined not to diſcharge him, and the court of juſtice as reſolved not to bail him, wrote thoſe letters which are in Mr. Locke's Memoirs, and which give a true idea of the greatneſs of his ſpirit.

Three letters written by Lord Shafteſbury.

In his letter to the King, he expoſtulates with a becoming freedom, yet reſpect, upon his former ſervices, and the diſintereſtedneſs of them: that, in his conduct for effecting the Reſtoration, he had never betrayed the counſels of any perſon, had never held any ſecret correſpondence with the King, nor ever made any private terms for himſelf. If this aſſertion had been a falſhood, he could never have made ſuch an appeal to the King, who was then incenſed againſt him, and would certainly have diſcovered the untruth, to expoſe him to the world. It is a great misfortune that the letter

is

1677. is * imperfect; for it ends abruptly, in the midst of a relation of facts, which would probably have set his conduct, both before and after the Restoration, in a fuller and clearer light.

His letter to the Duke of York contains no servile submission, and is a plain confirmation that he had never been in the Duke's interest, which was so closely united with that of the French.

To the King.

To King CHARLES the Second.

" SIR,

" THE Almighty God, the King of Kings, permitted " Job to dispute with him, and to order his cause before " him: give me leave, therefore, great Sir, to lay my case " before your Majesty, and to plead not only my inno- " cence, but my merits towards your Majesty; for ' my " integrity will I hold fast, and will not let it go; my " heart shall not reproach me so long as I live.'

" I had the honour to have a principal hand in " your Restoration; neither did I act in it but on a princi- " ple of piety and honour. I never betrayed (as your " Majesty knows) the party or counsels I was of. I kept " no correspondence with, I made no secret addresses to " your Majesty; neither did I endeavour or obtain any " private terms or articles for myself, or reward for what I " had done or should do. In whatever I did towards the " service of your Majesty, I was solely acted by the sense

* In Mr. Locke's written copy of this letter, it breaks off at the end of a sheet, by which it may be presumed Mr. Locke had lost the remainder.

" of

" of that duty I owed to God, the Engliſh nation, and 1677.
" your Majeſty's juſt right and title. I ſaw the hand of
" Providence, that had led us through various forms of go-
" vernment, and had given power into the hands of ſeve-
" ral ſorts of men; but he had given none of them a heart
" to uſe it as they ſhould. They all fell to the prey,
" ſought not the good or ſettlement of the nation, endea-
" voured only the enlargement and continuance of their
" own authority, and graſped at thoſe very powers they
" had complained of ſo much, and for which ſo bloody and
" ſo fatal a war had been raiſed and continued in the
" bowels of the nation. I obſerved the leaders of the great
" parties of religion, both laity and clergy, ready and for-
" ward to deliver up the rights and liberties of the people,
" and to introduce an abſolute dominion; ſo that tyranny
" might be eſtabliſhed in the hands of thoſe that favoured
" their way, and with whom they might have hopes to di-
" vide the preſent ſpoil; having no eye to poſterity, or
" thought of future things. One of the laſt ſcenes of this
" confuſion was General Lambert's ſeizing of the govern-
" ment in a morning by force of arms, turning out the
" Parliament and their Council of State, and in their room
" erecting a Committee of Safety. The news of this gives
" a great ſurprize to General Monk, who commanded the
" army in Scotland.

* * * * * * * * * * * * *

To the Duke of YORK.

To the Duke of York.

" SIR,

" I HUMBLY confeſs I never thought my perſon or
" my principles acceptable to your Royal Highneſs; but at
" that juncture of time and occaſion when I was committed,
" I had no reaſon to expect you ſhould be my ſevere ene-

1677. "my. Reputation is the greateſt concern of great dealers "in the world; great Princes are the greateſt dealers; no "reputation more their intereſt than to be thought merci- "ful, relievers of the diſtreſſed, and maintainers of the "ancient laws and rights of their country; this I ever wiſh "may attend your Royal Highneſs, and that I may be one "inſtance of it."

To Lord —.

To the Lord -------.

"My Lord,

"I HAD prepared this for your meeting in December; "but that being adjourned to the 3d of * April, an age "to an old infirm man, eſpecially ſhut up in a winter's "priſon, forgive me if I ſay you owe yourſelf and your "poſterity, as well as me, the endeavouring to remove ſo "ſevere a precedent on one of your members; ſuch as I "may truly ſay is the firſt of the kind, and I pray heartily "may be the laſt. Your interceſſion to his Majeſty, if it "be general, is not likely to be refuſed; if you are ſingle, "yet you will have done honourably, and what I ſhould "have done for you."

Lord Shafteſbury petitions the Houſe of Lords.

When Lord Shafteſbury perceived that his letters were entirely diſregarded, and that the King was more pleaſed with his preſent confinement, than mindful of his former ſervices: when he found the Lords, at the meeting of Parliament, but little ſolicitous about his liberty: when he ſaw that the public affairs were in a dangerous ſituation; that

* Mr. Locke muſt have made a miſtake in tranſcribing this letter, the Parliament having been adjourned only from December to January; unleſs it is to be ſuppoſed that Lord Shafteſbury, by the cloſeneſs of his confinement, was ignorant of the times of adjournment.

the

the oppoſition in Parliament was cool and inactive; that the Papiſts were become more bold and open in their proceedings; that a great army was in the kingdom; that the King and the Duke of York were puſhing on their ſchemes of arbitrary power, with more reſolution than formerly; and that, by their interpoſition, the Dutch were drawing off from the general alliance againſt France; he became more earneſt for his liberty; and, on the 14th of February, 1677-8, ſent a petition to the Houſe of Lords, wherein he took notice of his having preſented one to the King. But the Junto, ſtill deſirous to keep him out of the way, procured, after a debate, that his petition to the Houſe ſhould be rejected, becauſe in that to the King he had not made ſuch an acknowledgment as they required. 1677. 1677-8.

He again petitions the King and the Houſe of Lords.

Lord Shafteſbury was now as determined to obtain his liberty as the Court was to debar him from it; and in order to remove the leaſt ſhadow of an obſtacle, he ſent another petition to the King, and, likewiſe, to the Houſe of Lords, in which he made the acknowledgment which had before been required. As the former reaſons, therefore, for detaining him no longer ſubſiſted, the Miniſtry had recourſe to others. New difficulties were thrown in his way: his application to the King's Bench was improved into a crime, and aggravated as an indignity to the King and the Houſe of Peers.

When his petition was debated, and the Lords ſeemed inclined to releaſe him, the Lord Chancellor, with a view to irritate them againſt him, acquainted them, "that the King "had received a * third petition from Lord Shafteſbury;

* As the Lord Chancellor mentions this as the third petition preſented to the King, it is probable that Lord Shafteſbury had petitioned for his liberty in conjunction with the other Lords, though not with the ſame ſucceſs.

1677-8. " but, underſtanding that he had endeavoured to free him-
" ſelf from their cenſure, by appealing to the King's Bench,
" during the late adjournments, he did not think fit to ſig-
" nify his pleaſure, until the Houſe had taken that matter
" into conſideration."

Debate on his having appealed to the King's Bench.

Upon this, the Lords ordered the records of the Court of King's Bench, relating to the Habeas Corpus, to be laid before them; and afterwards entered into a debate concerning Lord Shafteſbury's appeal.

In this debate, all the Peers who were not cloſely attached to the Court, or under its influence, exerted themſelves for Lord Shafteſbury, and the liberty of the ſubject, which was violated in ſo open a manner by his long and unreaſonable confinement. Lord Halifax, in particular, acted with great zeal; and thoſe who could not attend ordered their proxies to be given in Lord Shafteſbury's favour. Among others, the worthy Earl of Saliſbury was careful to ſecure him his proxy, of which he ſent him notice, in the following letter:

" My Lord, Feb. 20, 1677-8.

" IF I had known your intention to petition the Houſe,
" I would have ſtayed in town, to have done you what
" ſervice I could. I have ſigned and ſealed the incloſed,
" with a deſign my Lord Halifax ſhould have it, though I
" never gave my proxy before. I ſhall be extremely glad
" to hear you have a happy ſucceſs in this buſineſs, being
" really, My Lord,

" Your faithful humble ſervant,

" SALISBURY *."

After

* This Lord Saliſbury died a few years after, and his death was principally attributed to his great concern for his country, and to the melan-

After the debate, which continued two days, the Miniſtry prevailed; and the Lords came to a reſolution, "That it "was a breach of privilege of that Houſe for any Lord "committed by them, to bring an Habeas Corpus in an "inferior court, to free himſelf from impriſonment during "the ſeſſion of Parliament." 1677-8. Vote of the Lords concerning it.

Lord Shafteſbury, upon this order, was ſtrenuous to aſſert his privilege as a Peer, and his liberty as an Engliſhman; and, therefore, preſented another petition to the Houſe, in which he claimed it as his undoubted right, to be preſent, and to ſpeak for himſelf upon a debate on any new matter. As the Lords could not refuſe this, they came to a reſolution, that Lord Shafteſbury ſhould be permitted to make his defence. Lord Shafteſbury preſents a further petition to the Lords.

Accordingly, they appointed the Conſtable of the Tower to bring Lord Shafteſbury to their bar, on the 22d of February; when the Lord Chancellor acquainted him with their reſolution concerning his application to the Court of King's Bench; upon which, in a ſhort ſpeech, he made his ſubmiſſion. This ſubmiſſion was, however, regarded as too general, though he ſaid, "No one was more tender of "their privileges; and that he ſhould never have applied "for an Habeas Corpus, if he had thought it any breach "of them: and though there might be a probability of his "having erred for want of a precedent to guide him, and "by being deprived the benefit of counſel, by reaſon of "his cloſe confinement, yet he reſolved not to perſiſt in "any thing that might offend the King or the Houſe." He is brought before them.

melancholy ſituation of affairs: for Dr. Lower told a friend of his Lordſhip's (who was ſolicitous for his recovery) that he could eaſily cure my Lord's illneſs, if he could but cure him of thinking ſo much of the public.

Though

1677-8. Though the Miniſtry were not, or pretended not to be ſatisfied with his ſubmiſſion, it would have been too glaring an act of power to have continued his impriſonment under the old pretences; and, therefore, another attempt was made to keep up the reſentment of the Lords. Lord Treaſurer Danby acquainted them, "that he had received a "paper from one Blaney, giving an account of ſome words "ſpoken by Lord Shafteſbury in the Court of King's Bench, "which deſerved their cognizance." But he could not fix the charge, nor could Blaney, when he was called in and examined, ſwear to the words.

This diſappointment, as it ended in the confuſion of the Treaſurer, tended to open the eyes of the Peers, and to convince them of the hardſhips which they had impoſed on one of their own body. They came immediately to a reſolution in what form Lord Shafteſbury ſhould make his acknowledgment; which being drawn up and read to him, he thought proper to acquieſce in it, and to ſubmit to the Houſe in the terms it had preſcribed.

He makes his ſubmiſſion,

It was then ordered that the Lords with the white ſtaves ſhould wait upon the King, and acquaint him that the Peers had received ſatisfaction from the Earl of Shafteſbury, in the matter of the Habeas Corpus, and the other contempt for which he ſtood committed; and that they became humble ſuitors to his Majeſty, that he would be pleaſed to diſcharge him from his impriſonment. The King's anſwer to their application was, that he would give orders accordingly.

and is releaſed.

Reflections on this tranſaction.

This tranſaction, in the whole progreſs of it, was a moſt oppreſſive act of power; and, as it plainly evinced the violent temper of the Court on one ſide, it ſhewed, on the other ſide, the ſervile diſpoſition of the members of the Upper Houſe, who could ſacrifice the common liberty, and their particular

particular privileges as Peers, to the reſentments of Adminiſtration. The Lords themſelves afterwards manifeſted the ſame ſenſe of this tranſaction; and juſtified the Earl of Shafteſbury's conduct, by condemning their own, in the following remarkable reſolution, which they came to in a full Houſe of above ninety Lords. 1677-8.

" Die Sabbati, 13 Novembris, 1680.

Remarkable ſubſequent reſolution of the Houſe of Lords.

" Whereas the Duke of Buckingham, the Earls of Saliſ-
" bury and Shafteſbury, and Lord Wharton, were, con-
" trary to the freedom of Parliament, committed to priſon,
" by order of the Lords Houſe of the 15th of February,
" 1676-7, whereupon followed a ſeries of many unprece-
" dented proceedings, derogatory to the authority of Par-
" liament, and of evil example and precedent to poſterity:
" for vacating, making void, and deſtroying ſuch prece-
" dents for ever, and in vindication of the authority and
" freedom of Parliament; upon complaint thereof made,
" and due conſideration and debate thereof, by the Lords
" Spiritual and Temporal in Parliament aſſembled, it is or-
" dered, decreed, and adjudged, that the ſaid order and
" proceedings concerning the ſaid Lords were unparlia-
" mentary from the beginning, and in the whole progreſs
" thereof; and, therefore, are all ordered to be vacated (by
" virtue of this judgment) in the Journal Books of this
" Houſe; that the ſame, or any of them, may never be
" drawn into precedent for the future."

SECTION

SECTION XII.

The hiſtory continued, from the time of Lord Shafteſbury's Releaſe from the Tower, to his being appointed Preſident of the Council.

1677-8. General joy on Lord Shafteſbury's releaſe.

AS Lord Shafteſbury's long impriſonment on ſo trifling an occaſion, the injuſtice of it in the beginning, and the ſeverity of it afterwards, convinced the nation of the enmity of the Court towards him; ſo the viſits which he received from the nobility and gentry, and the general joy that appeared on his enlargement, ſhewed the eſteem in which he was held by the public.

His ſentiments concerning a peace with France.

The progreſs of Popery was now more clearly diſcerned than it had formerly been; the jealouſy which the people had of the Court was increaſed; and, therefore, their eyes and their attention were naturally turned upon Lord Shafteſbury, who had been the ſpirit of the oppoſition, and, by that means, had become the terror of the French and Popiſh party. All the leaders of the Country intereſt reſolved, on his obtaining his liberty, to conſult with, and to take their meaſures again from him. He had before declared, in Parliament, his apprehenſions that a peace, which would be favourable to the views and intereſt of France, might be formed at that juncture; and theſe apprehenſions were confirmed by the meaſures which had been taken during his confinement. An army had been raiſed, and forces were ſending into Flanders, under the command of the Duke of Monmouth,

Monmouth, for the preſervation, as was pretended, of that country: but Lord Shafteſbury knew that the Engliſh Court could not be ſincere in this meaſure. He foreſaw that theſe forces would raiſe a jealouſy in the States, of their not being deſigned to protect them againſt the French, but to ſupport the Prince of Orange in his claim to the Stadtholderſhip, the increaſe of whoſe power was greatly dreaded by the principal perſons in the Republic: nor was their fear of him a little ſtrengthened by the alliance into which he had lately entered with King Charles. 1677-8.

Lord Shafteſbury was juſtly afraid that the States General, to ſecure themſelves againſt the Prince, would be prevailed upon to make a ſeparate peace, almoſt upon any terms; and he well knew that ſuch a ſeparate peace muſt produce a general one, by which the alliance would be diſſolved, France remain in poſſeſſion of her conqueſts, and the Engliſh Court be at greater liberty to purſue its ſchemes in favour of Popery and arbitrary power. He thought, however, that a vigorous diſpoſition in the Engliſh Parliament might confirm the Dutch, and defeat the meaſures which were now taking; and, therefore, he procured, by his friends in the Houſe of Commons, an addreſs to the King, deſiring him to declare war againſt France.

The Commons vote an addreſs for a war with France.

The deſign of this addreſs was to diſengage the King from the part he was acting, as a mediator of the treaty carrying on at Nimeguen; and to prevail upon him to enter ſeriouſly into a war; with the real view of reducing the French Monarch to ſuch a condition as might prevent his being any longer formidable to Europe, or capable of diſturbing its tranquillity.

The addreſs was carried up, by Lord Ruſſel, to the Lords for their concurrence; and was debated, for two days,

Debated in the Houſe of Lords.

1677-8. days, in a Committee of the whole Houſe; during which debate Lord Shafteſbury exerted himſelf with his uſual eloquence. The Miniſtry exerted their whole ſtrength to get that part of the addreſs, which was, indeed, the foundation of it, omitted, and obtained a majority in their favour; ſo that, after ſome conferences between the Houſes, the addreſs was loſt.

Though the King had demanded, in all his ſpeeches, ſupplies for a war with France, he was, in fact, extremely averſe to it; and was endeavouring to procure, by his mediation, a ſeparate peace between France and Holland, on the French King's own terms; and ſuch a peace was afterwards effected.

Vindication of Lord Shafteſbury's oppoſition to the Court.

It may not here be improper to make a few remarks, with regard to ſome aſperſions which have been thrown on Lord Shafteſbury's conduct. It has been ſaid that he was of a reſtleſs and factious diſpoſition; that he magnified too much the errors of government, and kept the people in a continual alarm. But when it is conſidered that regal power hath almoſt univerſally aimed at being independent of the people; that, when corruption has gained an influence in the ſenate, the liberties of a ſtate muſt be in the greateſt danger; and that the reſcuing of a country from ſlavery often depends on a particular criſis; we cannot be inſenſible that a real patriot ought to be always upon his guard; that he ſhould watch every ſtep which is taken towards introducing an arbitrary government, and endeavour to ſtop every avenue by which it may be admitted.

Lord Shafteſbury was too well verſed in the hiſtory of former ages, too well acquainted with the nature of mankind, to be ignorant of theſe truths, and of their peculiar application to the ſituation of things in England; and there were

were recent inſtances before him of other nations having been ſubjected to abſolute authority. He was ſenſible that his country was in danger, in conſequence of the tyrannic views of the Court, the ſervile and degenerate temper of many of the nobility and gentry, the ſlaviſh principles of the clergy, the luxury ſpreading among the people, and the numbers who were daily corrupted by the church of Rome: and he well knew that it was only by rendering the danger conſpicuous and glaring, that he could rouſe up ſuch a public ſpirit, as would ſave the conſtitution from deſtruction. Without, therefore, being concerned at any reflections that might be caſt on his conduct, or alarmed at any enemies it might create him, he perſiſted in oppoſing whatever he thought to be wrong, even when he ſtood ſingle in his oppoſition. 1677-8.

Thus, upon the 23d day of March, 1677-8, he alone entered his diſſent againſt the Lords Spiritual ſitting on the trial of the Earl of Pembroke for murder. The right of the Biſhops to ſit upon any trial in capital caſes, became, in the next Parliament, a ſubject of great conteſt between the two Houſes; and the Commons were ſtrenuous, likewiſe, in their oppoſition to it.

In the year 1678, a diſcovery was made of the Popiſh Plot; with regard to which every reader may form his own judgment, from the narratives and trials which were publiſhed at that time. It is certain that great pains were taken to ſtifle it, by the men whoſe intereſt it was to have it concealed; and where the Crown and the principal perſons about the Court ſet themſelves to deſtroy the credit of any plot, they have powerful means of doing it, by ſecreting or intimidating the witneſſes, by blaſting their reputation, or by buying them off. The nation, however, in general, gave credit to it; and both Houſes of Parliament unani- 1678. The Popiſh Plot.

1678. mouſly declared, that there was ſufficient evidence for the belief of it. Indeed, whoever can read Coleman's Letters, or reflect on the zeal of the Duke of York for Popery, the King's ſecret attachment to it, the influence which his favourite miſtreſs, who was a Papiſt, had over him, and on many other circumſtances that might be mentioned; whoever conſiders what a number of Prieſts were daily brought into the nation, and the countenance which was ſhewn them; whoever calls to mind their buſy intrigues, their earneſtneſs in gaining proſelytes, and their open attempts afterwards in the reign of James the Second; muſt carry his incredulity to a very great length, if he is not perſuaded that the Court had a view of introducing an arbitrary government, and that the Papiſts were equally ſolicitous for reſtoring their religion.

Whether there was a conſpiracy entered into againſt the King's life may be queſtioned; but that there was a deſign of infinitely worſe conſequence, a deſign laid againſt the conſtitution and the religion of our country ought not to admit of a moment's doubt. The wiſeſt Proteſtants, both at home and abroad, thought that a ſecret Catholic league was formed, againſt the Proteſtant intereſt, by the Popiſh clergy, and ſeveral of their Princes: nor were there wanting many circumſtances that might induce ſuch a belief.

Lord Shafteſbury's zeal in diſcovering its authors.

As Lord Shafteſbury had been longer and more intimately acquainted with the views of the Popiſh faction than moſt men, he had the greater reaſon to credit the evidence for the conſpiracy; and he thought it incumbent upon him not to be terrified from doing his utmoſt towards the diſcovery and proſecution of its authors. He was Chairman of the Committee of the Houſe of Lords when Prance was examined about the murder of Sir Edmund Bury Godfrey,

frey, and when other witneſſes were produced with regard to the plot. 1678.

This ſtation naturally gave him the direction of the enquiry; and this, joined with his zeal for the diſcovery, a zeal which was not a little augmented by the knowledge he had of the general deſigns of the Court and the Papiſts, rendered him very obnoxious to them. In order to defeat the diſcovery, it was the buſineſs of the Papiſts to diſcredit the evidence, and to aſperſe the reputations of thoſe who were moſt intent upon bringing every circumſtance to light. As, on this account, Lord Shafteſbury ſtood the moſt expoſed to their virulence, he was accuſed, in a pamphlet, of threatening Prance in the ſevereſt manner, at an examination, if he did not charge ſome perſons of the higheſt dignity with being concerned in the murder of Godfrey. This pamphlet was written by an anonymous author, who produced no authority for his aſſertion; and when it is conſidered how improbable it was that Lord Shafteſbury ſhould uſe ſuch methods in the preſence of his fellow Peers, many of whom were unqueſtionably men of honour, the accuſation will gain no credit with any impartial perſon. Rapin juſtly obſerves, that theſe aſſertions are produced without authority: he reaſons with great candor upon them, and points out the improbabilities and incoherences contained in them.

Remarks on Biſhop Burnet.

Biſhop Burnet charges Lord Shafteſbury with driving on the execution of the Jeſuits, and the other perſons, who, on their trials, were found guilty of being concerned in the plot. He ſays, the ſhedding of ſo much blood, upon doubtful evidence, was owing to Lord Shafteſbury. This is a heavy accuſation, and which ought not to have been brought againſt any man, by a Chriſtian and a Proteſtant Biſhop, unleſs it had been ſupported by the ſtrongeſt teſtimonies. But

1678. But let the matter be fairly conſidered. Lord Shafteſbury, who had examined the evidence, an evidence that induced both Houſes of Parliament to vote, nemine contradicente, that there was, and had been, a damnable and helliſh plot, contrived and carried on by Popiſh Recuſants, for aſſaſſinating the King, for ſubverting the government, and deſtroying the Proteſtant religion; and who had examined this evidence in a Committee of the Houſe of Lords, might very probably, and very reaſonably, be earneſt for bringing the delinquents to their trials. But, after condemnation, the execution of them depended ſolely on the King. Lord Shafteſbury had, at this time, no intereſt in him: he was abſolutely obnoxious to him, and, therefore, cannot juſtly be charged with driving on the executions.

The Biſhop, who ſometimes ſeems to believe the plot, acknowledges that he himſelf endeavoured to diſcredit the evidence. Sir William Jones, the Attorney General, he ſays, took it ill of him, that he ſhould diſparage them; ſo did others. Lord Shafteſbury ſaid, "That all thoſe who "undermined the credit of the witneſſes, were to be looked "on as public enemies." The Biſhop owns that he had frequent conferences, at this time, with the King and the Duke of York, and about the plot. Theſe conferences were known, and might afford ſome ground for apprehenſion in Lord Shafteſbury and others, that Dr. Burnet was too much attached to the Court.

Miſtake of the Biſhop corrected.

One paſſage in the Biſhop's Hiſtory, upon the affair of the plot, is remarkable. He ſays, upon Lord Stafford's trial, "* Jones, in the name of the Commons, reſumed "the evidence againſt him with great force. He ſaid, in-"deed, nothing for ſupporting Oates; for the objection

* Burnet's Hiſtory, vol. i. p. 492.

"againſt

" againſt him was not to be anſwered." If the Biſhop had looked into the State Trials, he would have found that Sir William Jones expatiated very largely upon the evidence of Oates, and ſupported it very ſtrongly. This will be apparent from one or two paragraphs. 1678.

" My Lord was pleaſed to object, that the Doctor was " a man ſubject to paſſion; and he brought in the Lieute- " nant of the Tower, to ſpeak of ſome hot words that " paſſed between them. My Lords, I will allow the Doctor " to be a man of paſſion; nay, if my Lord pleaſe, a man " that is not of the deepeſt reach. But your Lordſhips will " obſerve, that paſſionate men are not often malicious; and " that a man, who is not of a deep judgment, could never " have contrived and invented a narrative, conſiſting of ſo " many particulars, and they ſo coherent, if they were " falſe: and if his narrative be not true, he muſt be endued " with more ſubtlety and wicked policy, than, upon trial, " we can find in him: ſo that what my Lord hath objected " as to his infirmities, is no diminution of the truth of what " he ſays, but rather a confirmation of it."

And afterwards. " There is another thing, my Lords, " that I would pray your Lordſhips to obſerve. Theſe wit- " neſſes, Mr. Dugdale and Dr. Oates, do give ſuch an evi- " dence as is impoſſible to be given unleſs it were true: " for other witneſſes, when they are put out of their road, " and aſked queſtions they did not expect, are commonly " to ſeek, and muſt pump for an anſwer, and then anſwer " with great difficulty and warineſs; but theſe two wit- " neſſes do not only anſwer with readineſs, when you aſk " them any queſtion, but what is contained in every new " anſwer doth add a farther probability and confirmation " to what they ſaid before: and I muſt needs ſay of them, " it were impoſſible for any man in the world to contrive a

" ſtory

1678. " ſtory of ſo many particulars, and ſo conſiſtent in every " part of it, and yet the ſame ſhould be falſe; and which " is more, after ſo many trials, not one material circum- " ſtance of what they ſay contradicted by any ſolid proof." Certainly this is ſaying ſomething, and in a very ſtrong manner, for ſupporting Oates.

Proceedings in Parliament.

Whilſt the heat continued in Parliament upon account of the plot, Lord Shafteſbury and his friends procured ſome bills which were of the greateſt conſequence. One, in particular, was to diſable Papiſts from ſitting in Parliament; and it conſiderably weakened the Popiſh intereſt. It readily paſſed the Houſe of Commons, but met with greater difficulty in the Houſe of Lords, where a proviſo was added in favour of the Duke of York.

Whether the plot was actually carried on ſo far as the evidence depoſed or not, it is certain that the behaviour of the Papiſts gave the world reaſon to believe it. Their bold and alarming conduct was founded on having the ſucceſſor to the Crown of their own perſuaſion. As this circumſtance alone, without any others, was extremely threatening to the Proteſtant religion, Lord Shafteſbury formed the deſign of a bill of excluſion, and concerted this with Lord Ruſſel, Sir Henry Capel, and the reſt of his friends in the Houſe of Commons. They reſolved to proceed by degrees; and in order to try how ſuch an attempt would be received, they firſt procured a debate for an addreſs to his Majeſty, that he would be pleaſed to remove the Duke of York from his perſon and counſels. This debate was twice adjourned, but it was an evident preparative to the bill. The King viewed it in that light; and, before it could be reſumed upon the laſt adjournment, he went to the Parliament, and told the Houſes, that he would be ready to paſs any

any laws to make them ſafe under his ſucceſſor, if ſuch laws did not tend to impeach the right of ſucceſſion.

Upon theſe proceedings of the Commons, and their vigorous proſecution of the plot, the King grew diſſatisfied with them, and, therefore, diſſolved them, on the 24th of January, 1678-9, after they had continued near eighteen years, and had, in a courſe of time, conſiderably changed their character. For a long while they had favoured the prerogative in the higheſt degree; but at laſt, when the evil deſigns of the Crown became too conſpicuous to be denied, they became more patriotic. 1678-9. Parliament diſſolved.

The day after the diſſolution, writs were iſſued for a new Parliament, which was appointed to meet on the 6th of March. The elections went generally againſt the Court, which the King perceiving, he ſent the Duke of York out of England, in order to perſuade his new Parliament that he was not governed by his brother.

The Parliament met on the 6th of March, 1678-9. The Houſe of Lords on the 25th of the ſame month, entered into a debate, to take into conſideration the ſtate of the nation; upon which occaſion, Lord Shafteſbury made a very remarkable ſpeech. Rapin quotes ſome part of it in his hiſtory; but ſays, he does not inſert the whole, "because ſo much pains were taken to repreſent Lord Shafteſbury as the great enemy of the King, and the firſt mover of the whole party, that whatſoever came from him muſt be ſuſpected." The reader may ſee it here at large. Meeting of the new Parliament.

"My Lords,

"YOU are appointing the conſideration of the ſtate of England to be taken up, in a Committee of the whole Houſe Remarkable ſpeech of Lord Shafteſbury's.

1678-9. " Houſe, ſome day next week. I do not know how well " what I have to ſay may be received; for I never ſtudy " either to make my court or to be popular: I always " ſpeak what I am commanded by the dictates of the ſpirit " within me.

" There are ſome conſiderations that concern England " ſo nearly, that without them you will come far ſhort of " ſafety and quiet at home. 'We have a little ſiſter, and " ſhe hath no breaſts; what ſhall we do for our ſiſter, in " the day when ſhe ſhall be ſpoken for? If ſhe be a wall, " we will build on her a palace of ſilver, if ſhe be a door, " we will incloſe her with boards of cedar.' We have ſe- " veral little ſiſters without breaſts; the French Proteſtant " churches, the two kingdoms of Scotland and Ireland. " The foreign Proteſtants are a wall, the only wall of de- " fence of England. Upon it you may build palaces of " ſilver, glorious palaces.

" The protection of the Proteſtants abroad is the greateſt " power and ſecurity the Crown of England can attain to; " and which can only help us to give a check to the grow- " ing greatneſs of France. Scotland and Ireland are two " doors, either to let in good or miſchief upon us: they " are much weakened by the artifice of our cunning ene- " mies, and we ought to incloſe them with boards of " cedar.

" Popery and Slavery, like two ſiſters, go hand in hand. " Sometimes one goes firſt, ſometimes the other in-a-doors, " but wherever the one enters, the other is always follow- " ing cloſe at hand.

" In England, Popery was to have brought in Slavery; in " Scotland, Slavery went before, and Popery was to follow.

" I do

" I do not think your Lordſhips or the Parliament have 1678-9.
" juriſdiction there. It is a noble and ancient kingdom:
" they have an illuſtrious nobility, a gallant gentry, a
" learned clergy, and an underſtanding worthy people;
" but yet we cannot think of England as we ought without
" reflecting on the condition they are in. They are under
" the ſame Prince, and the influence of the ſame favourites
" and counſels. When they are hardly dealt with, can we,
" that are the richer, expect better uſage? For it is certain,
" that in all abſolute governments, the pooreſt countries
" are always moſt favourably dealt with.

" When the ancient nobility and gentry there cannot
" enjoy their royalties, their ſhrevaldoms, and their ſtew-
" ardaries, which they and their anceſtors have poſſeſſed for
" ſeveral hundreds of years; but that now they are enjoin-
" ed, by the Lords of the Council, to make deputations of
" their authorities to ſuch as are their known enemies;
" can we expect to enjoy our Magna Charta long, under
" the ſame perſons and adminiſtration of affairs? If the
" Council table there can impriſon any nobleman or gen-
" tleman for ſeveral years, without bringing him to trial,
" or giving him the leaſt reaſon for what they do, can we
" expect the ſame men will preſerve the liberty of the ſub-
" ject here?

" I will acknowledge that I am not well verſed in the
" particular laws of Scotland; but this I do know, that
" all the northern countries have, by their laws, an un-
" doubted and inviolable right to their liberties and pro-
" perties: yet Scotland hath outdone all the eaſtern and
" ſouthern countries, in having their lives, liberties, and
" eſtates ſubjected to the arbitrary will and pleaſure of thoſe
" that govern. They have lately plundered and harraſſed
" the richeſt and wealthieſt countries of that kingdom, and

1678-9. " brought down the barbarous Highlanders to devour them; " and all this without almoſt a colourable pretence to do it. " Nor can there be found a reaſon of ſtate for what they " have done; but that thoſe wicked miniſters deſigned to " procure a rebellion at any rate; which, as they ma- " naged, was only prevented by the miraculous hand of " God; or otherwiſe all the Papiſts in England would have " been armed, and the faireſt opportunity given, in the " juſt time, for the execution of that wicked and bloody " deſign the Papiſts had: and it is not poſſible for any man " that duly conſiders it to think other, but that thoſe mi- " niſters who acted ſo, were as guilty of the plot, as any " of the Lords that are in queſtion for it.

" My Lords, I am forced to ſpeak this the plainer, be- " cauſe, till the preſſure be fully and clearly taken off from " Scotland, it is not poſſible for me, or any thinking man, " to believe that good is meant us here.

" We muſt ſtill be upon our guard, apprehending that " the principle is not changed at Court, and that theſe men " that are ſtill in place and authority, have that influence " upon the mind of our excellent Prince, that he is not, " nor cannot be that to us, which his own nature and good- " neſs would incline him to.

" I know your Lordſhips can order nothing in this; but " there are thoſe that hear me, can put a perfect cure to it. " Until that be done, the Scottiſh weed is like death in the pot, " MORS IN OLLA. But there is ſomething too, now I conſi- " der, that moſt immediately concerns us; their act of twen- " ty-two thouſand men to be ready to invade us on all occa- " ſions. This, I hear, the Lords of the Council there have " treated as they do all other laws, and expounded it into " a ſtanding army of ſix thouſand men. I am ſure we have

" reaſon

" reaſon and right to beſeech the King, that that act may 1678-9.
" be better conſidered in the next Parliament there.

" I ſhall ſay no more for Scotland at this time. I am
" afraid your Lordſhips will think I have ſaid too much,
" having no concern there. But if a French nobleman
" ſhould come to dwell in my houſe and family, I ſhould
" think it concerned me to aſk what he did in France; for
" if he were there a felon, a rogue, a plunderer, I ſhould
" deſire him to live elſewhere; and I hope your Lordſhips
" will do the ſame thing for the nation, if you find the
" ſame cauſe.

" My Lords, give me leave to ſpeak two or three words
" concerning our other ſiſter Ireland. Thither, I hear, is
" ſent Douglas's regiment, to ſecure us againſt the French.
" Beſides, I am credibly informed that the Papiſts have
" their arms reſtored, and the Proteſtants are not many of
" them yet recovered from being the ſuſpected party.
" The ſea towns, as well as the inland, are full of Papiſts.
" That kingdom cannot long continue in the Engliſh hands,
" if ſome better care is not taken of it. This is in your
" power, and there is nothing there but is under your laws.
" Therefore, I beg that this kingdom, at leaſt, may be
" taken into conſideration together with the ſtate of Eng-
" land: for I am ſure there can be no ſafety here, if theſe
" doors be not ſhut up and made ſure."

Rapin's obſervation upon it.

Rapin, who, as was before obſerved, quotes a part of this ſpeech, ſays, " Thus much is certain, that his obſer-
" vation on the ſlavery of Scotland was exactly true; and
" that the Duke of Lauderdale, ſupported by the Court,
" exerciſed among the Scots a tyranny unknown to their
" forefathers. What, therefore, could the Engliſh imagine
" when they ſaw a neighbouring kingdom, inveſted with

" no

" no leſs privileges than England, governed in ſo abſolute " a manner, under the ſame King and the ſame Mini- " ſtry? Could they expect that the ſame principles would " not be followed in England, if it could be done with the " ſame eaſe?"

1679. Scheme for a new Council.

The King, to amuſe the Parliament, and gain time for his deſign, (as Rapin obſerves) reſolved to eſtabliſh a new Council; " into which were admitted ſome Lords moſt op- " poſite to him, as the Earls of Shafteſbury and Eſſex. " This Council conſiſted of thirty members; fifteen of whom " were ever to be the preſent chief officers of his crown and " houſhold. Ten were to be taken out of the Nobility, " and five out of the Commons. But he took care, in this " model of his Council, to have a majority of ſuch as were " devoted to him. The Earl of Shafteſbury was made Pre- " ſident of this Council, though no man was more hated " by the King. His aim was to perſuade the public and " the Parliament, that he was reſolved entirely to change " his manner of governing, and be guided, in all affairs " whatſoever, by the advice of the new Council. But this " was only to amuſe the public. For as it was not poſſible " for the King to depart from his principles concerning re- " ligion or government, ſo moſt of his new Counſellors " were not for ſacrificing the royal authority to the will of " the Parliament."

Sir William Temple's account of the forming of the new Council.

Sir William Temple ſays, in his Memoirs, " that he was " the perſon who firſt ſuggeſted the ſcheme of this new " Council to the King, and that the whole matter was con- " ſulted, and deduced upon paper, between the King and " him alone, and laſted, in the debate and digeſtion, about " a month; that afterwards, his Majeſty ordered Sir Wil- " liam to communicate it to the Lord Chancellor, Lord Eſ- " ſex, and Lord Sunderland; that they received it with " pleaſure

" pleaſure and amazement; and my Lord Chancellor ſaid, 1679.
" it looked like a thing from Heaven fallen into his Ma-
" jeſty's breaſt." But when we reflect upon the nature of a Court, and on the King's character, it will be difficult to ſuppoſe that, for a whole month, he had not acquainted his principal miniſters with it, and eſpecially miniſters who had his entire confidence; as was the caſe with regard to the Lord Chancellor, Lord Sunderland, and Lord Eſſex.

" * They went the next day," ſays Sir William, " to his
" Majeſty, and had a very long audience; upon which no
" difficulty aroſe, but two that were wholly perſonal. Sir
" William had propoſed Lord Halifax as one of the Lords;
" whom the King had at firſt oppoſed, and now raiſed new
" difficulties, and appeared a great while invincible in them,
" but, at laſt, conſented. The other was concerning
" Lord Shafteſbury, whom the King propoſed, to which
" the Lord Chancellor, Lord Sunderland, and Lord Eſſex
" agreed; but Sir William diſputed it from the firſt men-
" tion to the laſt concluſion of it; and, when he ſaw it
" would be concluded, he walked away to the other end
" of the room, not knowing well whether he ſhould have
" gone out or not, if the doors had been open: but turning
" again, he deſired his Majeſty to remember that he had no
" part in Lord Shafteſbury's coming into his Council or his
" affairs; that his Majeſty, and the other three Lords, had
" reſolved it without him, and that he was ſtill abſolutely
" againſt it; upon which the King laughed, and turned
" his anger into a jeſt."

This is certainly a convincing proof of the hatred Sir William bore to Lord Shafteſbury; a hatred which carried him ſo far, that, even in the King's preſence, he was ready to

Proofs of Sir William's hatred to Lord Shafteſbury.

* Sir William Temple's Memoirs.

commit

1679. commit an indecency, which a man of his politeneſs and knowledge of the world could never have fallen into, but through the height of paſſion.

Sir William ſays afterwards, " that when he found he " could not hinder Lord Shafteſbury's being brought in, he " would have been very well content to have had the de- " ſign of the new Council prove abortive." If he could ſuppoſe that theſe thirty Lords and Commons, men of the greateſt credit, the ampleſt fortunes, and moſt extenſive abilities, and the majority of whom were extremely attached to the King and the prerogative, would be ſolely influenced by Lord Shafteſbury, it muſt tend to give either the higheſt idea of Lord Shafteſbury, or the loweſt of the reſt of the Council. If he did not ſuppoſe that they would be governed by Lord Shafteſbury, Sir William's readineſs to ſacrifice ſuch a deſign, which was the only one he thought could ſave the nation, is a farther proof of his perſonal reſentment.

Sir William produces no real charge againſt Lord Shafteſbury.

Sir William wrote theſe Memoirs whilſt Lord Shafteſbury was living. If he had written them after his death, perhaps his anger would have ſubſided. But, notwithſtanding there is in them ſuch a peculiar ſharpneſs againſt Lord Shafteſbury, Sir William does not lay one thing to his charge, that affects his integrity or his honour. " † He knew him ſo " little, that, he ſays, he never had any talk with him, or " any thing to do with him but once, farther than in the " Council Chamber; and that was at Lord Halifax's houſe, " when they were digeſting the treaty with Holland."

Sir William, indeed, attributes the conduct of the Parliament to the influence of Lord Shafteſbury; but whether

† Sir William Temple's Memoirs.

this

this does not redound to his honour, let the reader determine. The following paſſages conſtitute the whole of Sir William's accuſation. 1679.

Remarks on Sir W. Temple continued.

When the King acquainted the Commons with the eſtabliſhment of his new Council, they received it with great coldneſs, ſuſpecting it to be a mere Court juggle, and referred it to time to explain the real truth of the caſe.

" This," ſays Sir William, " was the firſt effect of Lord " Shafteſbury's good meaning to the King and his affairs." A very ſhort time, however, did prove it to be what the Commons ſuſpected, a mere Court juggle.

" Matters were growing very untoward, by the practices " of Lord Shafteſbury, with the Duke of Monmouth's cover " at leaſt; and upon the ill humour of the Houſe of Com- " mons about the buſineſs of religion." This ill humour was a concern at the great progreſs of Popery, and the countenance it received from the Court, and a zeal for preſerving the Proteſtant religion, which have generally and juſtly been regarded as highly commendable in the Parliament at that time.

Again, " Both Houſes of Parliament ſeemed to have no " eyes but for the dangers of Popery, upon the Duke's ſuc- " ceſſion to the Crown; which humour was blown up by " all the arts and intrigues of the Duke of Monmouth and " the Earl of Shafteſbury."

And afterwards, " The Houſe of Commons were buſy in " finding out expedients to ſecure the nation, without " changing the laws in point of ſucceſſion; but could agree " in none, being ſtill diverted from fixing on any by Lord " Shafteſbury's practices. The Council fell upon the ſame

1679. "ſcent, with great earneſtneſs and endeavour, and, after "much hammering, agreed upon many heads to be offered "the Parliament, which are commonly enough known. "Theſe expedients," ſays Sir William, "were agreed upon "by all the Council, except Lord Shafteſbury and me, "who were againſt them upon different grounds."

Sir William's chief reaſon was, "Becauſe as he did not "ſee any certain eaſe theſe expedients would give the King, "though agreed to by the Houſes, ſo it was evident to all "men, that they would leave the Crown after him in "ſhackles, which, put on upon the Duke's occaſion, and "in his time, would not be eaſily knocked off by any ſuc-"ceſſor.

"My Lord Shafteſbury's ground was plain, and ſo ex-"preſſed by him upon all occaſions; which was, that there "could be no ſecurity againſt the Duke, if once in poſſeſ-"ſion of the Crown."

If Lord Shafteſbury's judgment was plain upon this occa-ſion, the events in King James's reign proved it to be right: when no laws were found to be a ſecurity againſt a Prince who could aſſume a power of diſpenſing with them; againſt a King, who, with an army at his command, determined to be abſolute: and when the open attempts of the Popiſh party exhibited a full proof of what nature their private ones had formerly been.

Different political views of Sir William and Lord Shafteſbury.

Sir William ſays, "that Lord Shafteſbury was diſſatisfied "with him from the beginning." They were, indeed, in their principles diametrically oppoſite. Sir William was an advocate for paſſive obedience, and had, in his writings, carried ſo far the notion of paternal dominion, that his friend Lord Halifax, who was a man of letters, and no enemy

enemy to monarchy, had, as he himſelf acknowledged, reproved him for it. He was ſteadily attached to the intereſt of the Duke of York, to which Lord Shafteſbury was exceedingly averſe, as it was ſo cloſely blended with the French and Popiſh intereſt. He was one of thoſe who, out of Council, had adviſed the prorogation of the Parliament, in order to put a ſtop to the proceedings againſt Popery and the Plot; upon which Lord Shafteſbury expreſſed openly, in the Houſe of Lords, a very great reſentment. He was in the ſecret Counſel for a diſſolution of the ſame Parliament, with which Lord Shafteſbury was equally offended: for the Houſe of Commons in being was compoſed of gentlemen of the beſt fortunes and quality, who had been truly choſen by the people, and who were too jealous of the Court to be influenced by it. The Houſes were, indeed, at this time, taking the moſt prudent ſteps for the liberty of the ſubject; of which the Habeas Corpus act was a remarkable inſtance. 1679.

The reader, who conſiders Sir William's Memoirs with greater coolneſs than that with which they were written, muſt obſerve, that, contrary to the author's intentions, Lord Shafteſbury makes a very great figure in them. He uſes no colluſions, no hypocriſy; but is open and plain in his advice, and ſteady in his conduct.

Obſervations of Rapin.

Rapin, after ſpeaking of Sir William's inſinuations againſt Lord Shafteſbury, makes the following remarks, which are too pertinent to be omitted. "It is not eaſy to compre-
"hend, how a ſingle man ſhould have had credit enough
"in the Country party, to direct them as he pleaſed, if that
"party had not otherwiſe known what Shafteſbury labour-
"ed to make them believe. For inſtance, this Earl inſinu-
"ated that the nation could not be ſecured againſt the
"Duke of York, and that, when he ſhould once poſſeſs the

1679. "Crown, all proviſions againſt him would vaniſh. Was "he in the wrong?" After relating ſome of the cauſes of the nation's ſuſpicions and fears, he goes on, "after this, "how is it poſſible to believe, that Lord Shafteſbury's in- "trigues and artifices were the ſole cauſe of the Commons "diſtruſt? I do not doubt that he contributed to them, "and that, being ſo well informed, as he was, of the "King's ſecret deſigns, he opened the eyes of many peo- "ple, who, perhaps, would have been deceived by the ar- "tifices of the Court. But this is not what is meant by "aſcribing the people's fears and jealouſies to the intrigues "of the Earl. That he was actuated by a ſpirit of revenge, "is no concern of mine; but the event too plainly ſhewed, "how agreeable were his advices to the intereſt of the "kingdom."

SECTION

SECTION XIII.

The hiſtory and political tranſactions of Lord Shafteſbury continued, to his being, a ſecond time, committed to the Tower.

THOUGH Lord Shafteſbury was appointed Preſident of the Council, he continued in the ſame unwearied endeavours, and unalterable regard for the liberty of the ſubject. As he had ſuffered ſo much by an unjuſt impriſonment, he employed himſelf in contriving the propereſt methods to preſerve others from the ſame calamities. With this view he drew up one of the moſt important and uſeful bills that was ever brought into Parliament, entitled, "An "act for the better ſecuring the liberty of the ſubject." This is now univerſally known by the name of the Habeas Corpus Act; and, at that time, it was commonly called Lord Shafteſbury's act. 1679. Hiſtory of the Habeas Corpus Act.

As he was the father of the bill, ſo to him the preſervation of it was principally owing; for, after it had paſſed the Houſe of Commons, it met with great oppoſition in the Houſe of Lords. The reſt of the Miniſtry exerted their whole ſtrength to throw it out, and Lord Shafteſbury ſupported it with his uſual eloquence and ſpirit. Several amendments were made in it by the Lords, with ſome of which the Commons diſagreed; and this occaſioned many free conferences between them.

The

1679. The Court reſolved to make its advantage of theſe diſputes; and, on the 27th of May, 1679, it was known that the King intended to go to the Houſe that morning, and, after paſſing the acts ready prepared, to prorogue the Parliament, which would have defeated the Habeas Corpus Bill. Another conference was, therefore, moved for, to be held immediately. This the Miniſtry oppoſed; but, upon the diviſion, it was carried, by fifty-ſeven againſt fifty-five, that the conference ſhould be held preſently; and the Commons agreed at it to admit of the Lords amendments. The Earl of Shafteſbury, who reported the conference, acquainted the Lords, that the bill was delivered cloſed up, and perfected: and the King coming immediately after to the Houſe, it paſſed into a law.

When the Houſe of Peers divided upon it, it was carried by an accident. Biſhop Burnet ſays, "Lord Grey and "Norris were named to be the tellers. Lord Norris, be-"ing a man ſubject to vapours, was not at all times atten-"tive to what he was doing: ſo a very fat Lord coming in, "Lord Grey counted him for ten, as a jeſt at firſt: but ſee-"ing Lord Norris had not obſerved it, he went on with "this miſreckoning of ten: ſo it was reported to the Houſe, "and declared, that they who were for the bill were the "majority, though it indeed went on the other ſide."

When * the numbers were reported from the woolſack, the Miniſtry, who knew their ſtrength, were ſurprized; and, whilſt they were whiſpering one another, Lord Shafteſbury, who found there was a miſtake, and gueſſed their intentions, immediately ſtarted up, and ſpoke upon the firſt

* By the minute book of the Houſe of Lords, it appears that there were one hundred and ſeven Lords only preſent, and one hundred and twelve were counted upon the diviſion.

thing

thing that occurred to him, almoſt an hour. Whilſt he was ſpeaking, ſeveral Lords went out, and others came in; ſo that it was impracticable to re-tell the Houſe. By this means the bill was carried; and for this bill alone, if there were no other reaſon, the name of Lord Shafteſbury deſerves to be held in grateful remembrance by every friend to the Britiſh conſtitution. 1679.

This was the only act of any conſequence that paſſed in the new Parliament: for when the Commons had voted, nemine contradicente, "that, the Duke of York being a "Papiſt, the hopes of his coming ſuch to the Crown, had "given the greateſt encouragement to the conſpiracies and "deſigns of the Papiſts, againſt the King and the Proteſtant "religion;" when they had begun an enquiry after the penſioners in the laſt Parliament, ſeveral of whom were diſcovered; and, eſpecially, when they had brought into the Houſe the bill of excluſion, the King determined to prorogue them. This reſolution he formed and executed without the knowledge of his Council, though he had ſolemnly declared that he would be guided in all things by their advice: and ſoon after, contrary to the ſentiments of the greater part of them, he diſſolved the Parliament. Parliament prorogued, and diſſolved.

This diſſolution took place on the 12th day of July, 1679; and the King ſummoned another Parliament to meet on the 17th of October following. Rapin ſays, "he hoped to "find the next more tractable, but was very much de-"ceived. The people, who no longer regarded what came "from the Court, affected to ſend ſuch members as were of "the Country party, as being the moſt proper to oppoſe "the deſigns of the King. The Earl of Shafteſbury was at "the head of this party, and without doubt greatly contri-"buted to inflame the paſſions of the people." New Parliament ſummoned.

Lord

1679. Lord Shafteſbury did, indeed, exert himſelf, at this time, in an extraordinary manner. His ſpirit and the influence of it were univerſally apparent. The members of the Houſe of Commons had taken their meaſures chiefly from him; and the party of the people, who were zealous for the civil and religious liberties of their country, looked upon him as their head, and were governed by his advice.

Lord Shafteſbury's activity.

The King's illneſs.

Before the meeting of the Parliament, the King was ſeized, at Windſor, with three fits of an intermitting fever, upon which occaſion the Duke of York was privately ſent for over, and came to England with great ſpeed and ſecrecy. The King, being recovered, † pretended a ſurprize at his arrival. But this diſſimulation was not capable of deceiving the Earl of Shafteſbury, who moved, in the Council, that his Majeſty ſhould be adviſed to ſend the Duke abroad again. The motion, however, was rejected, becauſe the majority of the Council were entirely devoted to the deſigns of the King and the Duke.

Motion of Lord Shafteſbury concerning the Duke of York.

When the Duke afterwards, in October, met the King at Newmarket, in order to finiſh the ſcheme of his going to Scotland, in the room of the Duke of Lauderdale, Lord Shafteſbury, as we are informed by Biſhop Burnet, "called "a Council at Whitehall, and repreſented to them the dan- "ger the King was in, by the Duke's being ſo near him, "and preſſed the Council to repreſent this to the King. "But they did not agree to it; and upon the King's coming "to London, he was turned out from being Preſident of "the Council."

Lord Shafteſbury diſmiſſed from the Council.

Parliament not ſuffered to meet.

The King, having now given himſelf entirely up to the direction of the Duke of York, reſolved not to ſuffer the

† Rapin.

Parliament

Parliament to meet; and accordingly, on the 15th of October, two days before the time appointed for its ſitting, he prorogued it, without the advice of his Council. 1679.

In the latter end of the ſame month, about a fortnight after the prorogation, ſays Rapin, "a ſham plot was diſcovered, contrived by the Papiſts, to bring an odium upon the Preſbyterians and the heads of the Country party. This project had been formed the beginning of Auguſt, by the Counteſs of Powis, Elizabeth Cellier a midwife, the Earl of Caſtlemain, and the five Lords in the Tower. The deſign was to make uſe of falſe witneſſes to accuſe Oates of perjury and ſodomy; to aſſaſſinate the Earl of Shafteſbury; and to charge the Duke of Buckingham, the Earl of Eſſex, the Duke of Monmouth, the Lord Halifax, and ſeveral conſiderable citizens of London, with being concerned in a plot againſt the King. One Dangerfield was to be the principal actor in this ſcene." Sham plot.

Lord Shafteſbury was, likewiſe, ſet down among the reſt, as being concerned in the plot *.

This Dangerfield had gone through almoſt every ſcene of villainy, and was taken out of jail for the preſent purpoſe. He made ſeveral attempts to aſſaſſinate Lord Shafteſbury, for which he was to receive (as he afterwards declared) five hundred pounds. To excite him to it, he was told by his employers, that, if they were rid of Lord Shafteſbury, as they were of Sir Edmund Bury Godfrey, it would be no difficult thing to bear down the reſt of their oppoſers. He Attempts to aſſaſſinate Lord Shafteſbury.

* Biſhop Burnet takes no notice of the deſigns to aſſaſſinate Lord Shafteſbury, or of his being ſet down in the ſcheme to be ſworn againſt.

1679. was promiſed that one Mr. Regaut, a Virginian merchant of Mrs. Cellier's acquaintance, ſhould come to him to inſtruct him in the moſt dextrous and probable means of putting the deſign in execution, and to ſecure the payment of the five hundred pounds. He went two or three times to Thanet-Houſe in Alderſgate-Street, where Lord Shafteſbury had lived from the time the ſeals were taken from him. At the firſt time he pretended private buſineſs with him; but, as he was very incoherent in his relation of it, Lord Shafteſbury kept ſuch a very attentive eye upon him, that he was deterred from his purpoſe; eſpecially, when he ſaw one of his Lordſhip's gentlemen coming into the room.

By Dangerfield.

Dangerfield was equally unſucceſsful in a ſecond attempt. Upon this, * Mrs. Cellier reproached him with cowardice, and ſaid ſhe would undertake to do it herſelf. She went accordingly, and deſired a private audience of him, which he granted. But, as ſhe was not ready enough in her tale to blind his ſagacity, he kept a watchful eye on her during the diſcourſe; and perceiving her to be fumbling in her pockets, he gently laid his hand upon her's, and pleaſantly drolled with her, concerning her pretended buſineſs, till Mr. Wheelock, one of his gentlemen, came into the room, and pulling out her hand, found the dagger in her pocket; upon which, Lord Shafteſbury diſmiſſed her without any expreſſion of reſentment.

By Mrs. Cellier.

Rapin's account of Dangerfield.

" The Lady Powis," ſays Rapin, " gave Dangerfield a " model of the plot, which he was to convey into the houſe " of ſome pretended conſpirator, and there cauſe it to be " found. He made ſome attempts to aſſaſſinate the Earl of " Shafteſbury, but was prevented by ſeveral accidents. At

* This Mrs. Cellier was a woman of an abandoned character, and ſome time after was executed for the murder of her huſband.

" laſt,

" laſt, on pretence of ſeeing ſome rooms, which he ſaid he " intended to hire, he went to Colonel Manſel's lodgings, " and found means to pin ſome dangerous papers behind " his bed's head. This done, he informed two officers of " the Cuſtom-houſe, that there were in thoſe lodgings pro- " hibited goods, to the value of two thouſand pounds. " The officers repairing thither the 22d of October, ſearch- " ed every where, in hopes of finding their prey: but, as " they did not think to ſearch behind the bed, Dangerfield " himſelf found the papers. The officers carrying theſe " papers to their ſuperiors, had orders to return them to " Manſel. Four or five days after, the Colonel meeting " Dangerfield in the ſtreet, carried him directly to White- " hall, and brought him before the King and Council. He " was ſtrictly examined, and, after a full hearing, his con- " trivance being detected, he was ſent to Newgate. Two " days after, on the 27th of October, he made a confeſſion " upon oath, before the Lord Mayor, of the whole ſcheme, " and diſcovered the perſons by whom he had been em- " ployed." 1679.

Depoſition of Franciſco de Faria.

Beſides theſe attempts of Dangerfield and Mrs. Cellier, Franciſco de Faria, Interpreter to the Portugueſe Ambaſſador, depoſed, at a Committee of the Houſe of Lords, " † that " the Ambaſſador would have perſuaded him to deſtroy the " Earl of Shafteſbury, by throwing a hand granado into his " coach." By order of the Peers, Faria gave in an information, in writing, concerning the affair; and alleged that the reaſon why the Ambaſſador wiſhed for the deſtruction of Lord Shafteſbury was, becauſe he obſtructed all the deſigns of the Papiſts.

† Journals of the Houſe of Lords.

1679. The King had prorogued the Parliament from the 17th of October to the 20th of January, and he had promiſed the Duke of York, before his going to Scotland, that it ſhould not ſit during the whole winter. The detection of Dangerfield's ſham plot, and the countenance which he had received, irritated the minds of the people to a great degree; and their uneaſineſs was not a little increaſed, when it was known, ſoon after, that the King intended to prorogue the Parliament from January to the November following.

Petitions for the meeting of Parliament.

Biſhop Burnet ſays, upon this, that "Lord Shafteſbury "ſet on foot petitions for a Parliament, in order to the ſe- "curing the King's perſon, and the Proteſtant religion." Theſe petitions were for the ſitting of the Parliament on the 20th of January, purſuant to the late prorogation. They were, indeed, ſet on foot by him; and to exhibit an example to the reſt of the nation, he, and the Earls of Huntingdon, Clare, and Stamford, with ſix other Peers, being introduced by Prince Rupert, preſented the following petition to the King.

By ten Peers.

"SIR,

"WE are here to caſt ourſelves at your Majeſty's feet, "being ten of the Peers of your realm of England, and in "the name of ſeveral others of our fellow Peers, do humbly "beg, that your Majeſty would conſider the great danger "your royal perſon is in, as, alſo, the Proteſtant religion, "and the government of theſe your nations:---We humbly "pray, that, in a time when all theſe are ſo highly con- "cerned, your Majeſty will effectually uſe your great "Council, the Parliament.

"Sir,

1679.

" Sir, out of the deepeſt ſenſe of duty and loyalty to " your Majeſty, we offer it as our humble advice, and " earneſt petition, that the Parliament may ſit at the time " appointed; and that your Majeſty would be graciouſly " pleaſed to give public notice and aſſurance thereof; that " the minds of your Majeſty's ſubjects may be ſettled, and " their fears removed."

By the city of London and other places.

A petition was afterwards preſented from the city of London, which was ſoon followed by others from all parts of the country; and if they did not induce the King to let the Parliament ſit, they convinced the nation of the neceſſity of it.

The King incenſed at them.

His treatment of the petitioners.

The King was much incenſed at theſe petitions. He told * Mr. Thynne, who preſented the Wiltſhire petition, and was accompanied by Sir Walter St. John, and Sir Edward Hungerford, " that he came from a company of looſe " diſaffected people; adding, what do you take me to be? " and what do you take yourſelves to be? I admire, gen- " tlemen of your eſtates ſhould animate people to mutiny " and rebellion. You would not take it well I ſhould " meddle with your affairs; and I deſire you would not " meddle with mine, eſpecially with a matter that is ſo " eſſential a part of my prerogative."

He ſpoke ſtill more roughly to Sir Robert Barrington, Colonel Mildmay, Mr. Honeywood, and other gentlemen, who preſented the petition from the county of Eſſex: and to the gentlemen who preſented the petition from the quarter ſeſſions of Berkſhire, he ſaid, " that they would agree " the matter over a cup of ale, when they met at Windſor,

* London Gazette, January 22, 1679-80.

" though

" though he wondered his neighbours ſhould meddle with " his buſineſs."

1679-80. Proclamation againſt petitions. Counter addreſſes.

The King publiſhed a proclamation againſt theſe petitions: and, as ſoon as the Parliament was prorogued in January, the Court procured addreſſes to be ſent from ſeveral places, declaring their abhorrence of petitions for the ſitting of the Parliament.

Though Lord Shafteſbury had been for ſome time removed from being Preſident of the Council, he was in frequent conſultations with ſeveral of the members of it; as the Earl of Eſſex, Lord Ruſſel, Lord Cavendiſh, Sir Henry Capel, and Mr. Powle, who were greatly influenced by him. This appears from the following excellent paper, which diſplays his ſpirit, and the frankneſs of his temper.

" January 30, 1679-80.

Lord Shafteſbury's paper of advice to ſome members of the Council.

" I have altered my opinion, ſince laſt night, on ſecond " thoughts: and now think nothing clearer, than that you " ought to quit, and that preſently, and in a body toge- " ther, both for your own ſakes, the nation's, and the " King's ſervice.

" You may not have ſo fair an opportunity again offer- " ed, which ſo diſtinctly juſtifies you to the world.

" Every day may engage you in new and illegal pro- " ceedings, like that of the proclamation againſt petitions.

" If the D. of Y. ſhall be admitted to the Council, as in " Scotland, you muſt either quit upon that, which is a leſs " ſcore, or continue his fellow Counſellors.

" If

" If the Papiſts (of whom the D. of Y. is the manifeſt 1679-80.
" head) ſhall attempt, within a few weeks, to alter the
" religion and government, by the aſſiſtance of the French,
" whoſe forces and proviſions are ready upon the coaſt
" next us, your Lordſhips have continued as blind watch-
" men for us, and will never be received into the number
" of good Engliſhmen.

" As our affairs ſtand, we have no hopes of a good com-
" poſure, but by the weight of the nation in a manner
" compelling us to take right counſels. To this end, your
" Lordſhips going out together at this time extremely
" ſerves; and the ſenſe of the body of the Proteſtants and
" ſober men, made known to his Majeſty, by their ad-
" dreſſes and petitions through the whole nation, will not a
" little contribute.

" Thoſe that are not for this cure, muſt either rely on
" violent courſes, or reſolve to give up all. It can have
" no effect upon the Dutch treaty. The reputation of our
" alliance is neceſſary to them, and more they hope not
" from us. The prorogation to the 15th of April makes
" all things elſe impoſſible. Beſides, the Dutch alliance is
" a thing in itſelf good and deſirable; but as wholeſome
" and nouriſhing meat, though good in itſelf, yet to a diſ-
" ordered ſtomach ſerves only to add to the diſeaſe, ſo with
" us, if this alliance ſerves to raiſe money, men, and ſhips
" for our mutual defence, under the conduct of his Rl.
" Hs. it had been much better never made. Nothing is
" good but what tends to ſet things right at home in the
" firſt place.

" Your Lordſhip, in particular, will never have ſuch an
" opportunity to reſtore yourſelf to the nation again. The
" Counſel of good huſbandry, to live without Parliaments,

" the

1679-80. " the Counſel of diſſolving the laſt Parliament, both lie " heavy upon your Lordſhip; and muſt leave you and " others, in the opinion of the beſt men, as the worſt mi- " niſters that have come yet. But you may by this con- " vince all good men, that what is paſt was miſtake, not " malice; and they will be ready to embrace, with open " arms, men of your conſideration, both for quality, abi- " lity, and fortune.

" Your Lordſhip ſees with what candor and clearneſs I " deal with you. I expect the ſame again from you; and " when you have read this paper twice, and taken out " what notes you pleaſe with your own hand, that you " burn it before the bearer. As you are, you ſerve only " to delude the world with vain expectations of what they " ſhall never find; and give the Papiſts an opportunity to " ſtalk with you, and deſtroy us under your bellies."

Four members of the Council reſign.

The reader will obſerve, that the paper is dated January 30, 1679-80; and it appears, by the Gazette, that the next day Lord Ruſſel, Lord Cavendiſh, Sir Henry Capel, and Mr. Powle, waited on his Majeſty, and deſired to be excuſed from any farther attendance at the Council.

Though it is not mentioned in the paper to whom it was delivered, it muſt probably have been to Lord Eſſex, as the other four Counſellors had been averſe to the prorogation and diſſolution. The Earl of Shafteſbury had lived many years in great friendſhip with the Earl of Eſſex, who, during his Lieutenancy in Ireland, deſired, upon frequent occaſions (as appears by ſeveral letters) the advice of the other, and conſtantly applied to him, when he wanted any unreaſonable grant of the King's, in Ireland, to be oppoſed. This he particularly did, when Phœnix Park was granted to the Dutcheſs of Cleveland. Lord Eſſex, as Sir William

William Temple ſays, had given his opinion, in Council, both for the prorogation and diſſolution.

The Court was much elated by the addreſſes againſt the petitions, and by the long interval of Parliament. The Duke of York, who was ſent for from Scotland, grew ſanguine in his hopes, and the Papiſts became more active than ever. It was thought that the King would truſt no longer to Parliaments, but govern without them, and receive his ſupplies from France. The Country party were aſtoniſhed: from aſtoniſhment they were ſinking into deſpair, and, indeed, with reaſon: for the Duke was returned in triumph, and ſeemed to be fully confirmed in his power. But difficulties only ſerved to rouſe the Earl of Shafteſbury's courage, and to quicken his attention. He ſaw that it was neceſſary to take ſome ſtep, the boldneſs of which would animate the people, and confound the counſels of the Court. On the 26th of June, 1680, he went publicly to Weſtminſter-Hall, attended by ſeveral Peers and gentlemen of the firſt diſtinction, and, at the King's Bench bar, by a bill in form, he preſented the Duke of York to the grand jury as a Popiſh Recuſant. " * The thing was but too true, and " the whole kingdom was ſenſible of it: but, till this time, " no man had dared to take ſuch a ſtep; which was con- " ſidered as a formal deſign to break all meaſures with the " Duke."

1680.

The Court and Popiſh party elated.

The Country party dejected.

The Duke of York preſented as a Popiſh Recuſant.

The following reaſons for the indictment were ſubſcribed by himſelf, and the other Peers and gentlemen, who joined with him in the preſentment.

" 1ſt. Becauſe, the 25th Car. II. when an act was made " to throw Popiſh Recuſants out of all offices of place and

The reaſons for the indictment.

* Rapin.

1680. " truſt, the Duke of York did lay down ſeveral great offices " and places, (as Lord High Admiral of England, Generaliſſimo of all his Majeſty's forces both by land and ſea, " Governor of the Cinque Ports, and divers others) thereby " to avoid the puniſhment of that law againſt Papiſts.

" 2dly. 30th Car. II. when an act was made to diſable " Papiſts from ſitting in either Houſe of Parliament, there " was a proviſo inſerted in that act, ' that it ſhould not " extend to the Duke of York ;' on purpoſe to ſave his " right of ſitting in the Lords Houſe ; though he refuſeth " to take thoſe oaths which Proteſtant Princes ought to do.

" 3dly. That his Majeſty, in his ſpeech on the 6th day " of March, the thirty-firſt year of his reign, doth give for " a reaſon to the Parliament, why he ſent his brother out " of England; becauſe he would leave no man room to ſay, " that he had not removed all cauſe which might influence " him to Popiſh counſels.

" 4thly. That there have been divers letters read in both " Houſes of Parliament, and at the ſecret Committees of " both Houſes, from ſeveral Cardinals, and others, at " Rome ; and, alſo, from other Popiſh Biſhops, and agents " of the Pope, in other foreign parts, which do apparently ſhew the great correſpondencies between the Duke " of York and the Pope: and how the Pope could not " chooſe but weep for joy, at the reading of ſome of the " Duke's letters ; and what great ſatisfaction it was to the " Pope, to hear the Duke was advanced to the Catholic " religion : that the Pope has granted briefs to the Duke, " ſent him beads, ample indulgencies, with much more " to this purpoſe.

" 5thly.

1680.

" 5thly. That the whole Houſe of Commons hath de-
" clared him to be a Papiſt, in their vote, Sunday, April
" the 27th, 1679: it is reſolved, nemine contradicente,
" that the Duke of York's being a Papiſt, and the hopes of
" his coming ſuch to the Crown, has given the greateſt
" countenance and encouragement to the preſent conſpi-
" racy and deſigns of the Papiſts, againſt the King and the
" Proteſtant religion. What this conſpiracy and deſign is,
" will appear by a declaration of both Houſes of Parliament,
" March the 25th, 1679: Reſolved, nemine contradicente,
" by the Lords Spiritual and Temporal, and Commons, in
" Parliament aſſembled, That they do declare, that they
" are fully ſatisfied, by the proofs they have heard, there
" now is, and for divers years laſt paſt hath been, a horrid
" and treaſonable plot and conſpiracy, contrived and car-
" ried on by thoſe of the Popiſh religion, for the murdering
" of his Majeſty's ſacred perſon, and for the ſubverting the
" Proteſtant religion, and the ancient, well-eſtabliſhed go-
" vernment of this realm.

" 6thly. That, beſides all this proof, and much more to
" this purpoſe, it is moſt notorious and evident, he hath
" for many years abſented himſelf from Proteſtant churches,
" during religious worſhip. Theſe are the reaſons which
" induce us to believe the Duke of York a Papiſt.

" Huntingdon,
" Shafteſbury,
" Grey,
" Ruſſel,
" Cavendiſh,
" Brandon,
" Edward Hungerford,
" Henry Calverly,
Thomas Thynne,
William Forreſter,
John Trenchard,
T. Wharton,
William Cooper,
Gilbert Gerrard,
Scroop Howe."

1680. Whilſt the grand jury were conſidering this † indictment, they were ſent for up by the Court of King's Bench, and diſmiſſed; ſo that nothing farther was done in the affair. By the diſmiſſion of the jury, a great number of indictments were diſcharged; a thing ſcarcely to be parallelled, and which was of dangerous conſequence, not only to many private perſons, but to the public.

The grand jury diſmiſſed.

The Court greatly alarmed. As this ſtep of Lord Shafteſbury's ſurprized the nation, and inſpired the Country party with new life, ſo it alarmed the Court to the greateſt degree. The King ſent the Duke of York back to Scotland, with aſſurances that he would never forſake him, or his intereſt; and, to quiet the minds of the people, his Majeſty reſolved to meet the Parliament in the winter. Accordingly, it actually met on the 21ſt of October, and the Commons began with a reſolution, that they ought, in the firſt place, to proceed effectually in ſuppreſſing Popery, and preventing a Popiſh ſucceſſor.

Meeting of Parliament.

Reſolutions of the Houſe of Commons. On the ſecond day, they came to the following reſolutions, which juſtify what Lord Shafteſbury had done in promoting the petitions for the ſitting of the Parliament.

" Reſolved,

" That it is, and ever hath been, the undoubted right " of the ſubjects of England, to petition the King for the " calling and ſitting of Parliaments, and redreſſing of " grievances.

" Reſolved,

" That to traduce ſuch petitioning as a violation of duty, " and to repreſent it to his Majeſty as tumultuous and ſe-

† Biſhop Burnet takes no notice of this indictment, nor of the conduct of the Judges, or of the Houſe of Commons upon it afterwards.

" ditious,

" ditious, is to betray the liberty of the ſubject, and con- 1680.
" tribute to the deſign of ſubverting the ancient legal con-
" ſtitution of this kingdom, and introducing arbitrary
" power."

The Houſe of Commons ſoon after came to another reſolution, in relation to the diſmiſſing of the grand jury, upon Lord Shafteſbury's bill of indictment of the Duke of York.

" Reſolved,

" That the diſcharging of the grand jury, by any Judge,
" before the end of the term, aſſizes, or ſeſſions, while
" matters are under their conſideration, and not preſented,
" is arbitrary, illegal, deſtructive to public juſtice, a ma-
" nifeſt violation of his oath, and is a means to ſubvert the
" fundamental laws of the kingdom."

Excluſion bill.

The Houſe of Commons went with great earneſtneſs into the bill of excluſion, which paſſed there by a large majority, and was ſent up to the Houſe of Lords, who threw it out upon the firſt reading. The King was in the Houſe during the debate, which laſted till near midnight. The Earl of Shafteſbury was the principal ſpeaker for the bill, as the Earl of Halifax was againſt it. Biſhop Burnet ſays, that the laſt " had a viſible ſuperiority to Lord Shafteſbury in the opi-
" nion of the whole Houſe; and that was to him triumph
" enough."

Debate upon it in the Houſe of Lords.

Lord Shafteſbury's whole ſpeech, upon this occaſion, is not preſerved; and, therefore, the Biſhop's aſſertion cannot be contradicted. However, as he afterwards ſays, that " the Country party brought it nearer an equality, than
" was imagined they could do, conſidering the King's
" earneſtneſs in it, and that the whole bench of Biſhops
" was

1680. " was againſt it;" it may be preſumed, that Lord Shafteſbury did acquit himſelf with his uſual eloquence, ſpirit, and judgment. This is the rather to be ſuppoſed, as the bill was indebted to him for its exiſtence. He foreſaw that the Biſhops would be the principal oppoſers of the bill; and, therefore, in his ſpeech, after he had clearly ſhewed the abſurdity of the doctrine of Hereditary Right, the authority of the Parliament to transfer the title to the Crown, the repugnancy of the Romiſh religion to our conſtitution, and the violent temper and bigotry of the Duke, he turned towards the Biſhops bench, and, in a pathetic manner, implored them to have a regard to the civil rights of their fellow ſubjects, and the church of which they were the fathers. He told them, that they had it in their power to exclude a Popiſh Prince by law, and thereby preſerve their religion and liberties; but that, if they ſhould loſe the preſent opportunity, they muſt afterwards either run into a rebellion to ſave themſelves, or ſit down with the melancholy portion of bondage, ignominy, and repentance.

Though Lord Shafteſbury's ſpeech on the excluſion bill is not preſerved, there is another, which he made a few days afterwards, that is well worthy of the reader's peruſal. This he ſpoke in a debate upon his Majeſty's ſpeech, when the King himſelf was preſent, as he had been in the debates upon the bill of excluſion; which renders the boldneſs of it the more remarkable. It was ſpoken in a Committee, by way of reply.

" My Lords,

Speech of Lord Shafteſbury in a debate on the King's ſpeech.

" IN this great debate concerning the King's ſpeech, " the ſad ſtate and condition we are in, and the remedies " thereof, I have offered you my opinion; and many

" Lords

" Lords have ſpoken admirably well to it, with great " freedom and plainneſs, as the caſe requires. 1680.

" Give me leave to offer you ſome few words, in an- " ſwer to two or three of my Lords of the Earls bench, that " have maintained the contrary opinion.

" My Lord near me hath told your Lordſhips, that the " precedent of Henry the Fourth that I offered you, (who " was a wiſe and magnanimous Prince, and yet, upon the " addreſs of his Parliament, ' put away a great part of his " family and council at one time') is no proper inſtance; " becauſe he was an uſurper, had an ill title, and was bound " to pleaſe the people.

" My Lords, I meddle not with his title. I am ſure " our King has a very undoubted one: but this my Lord " muſt allow, that that wiſe Prince, having need of his " people, knew no better way to pleaſe them, and to " create a good intelligence between them and him, than " to put away thoſe from Court and Council that were un- " ceptable to them.

" If our King had the ſame neceſſity to pleaſe the people, " (though for other reaſons than want of a title) yet I am " ſure the precedent holds, that a wiſe Prince, when he " hath need of his people, will rather part with his family " and counſellors than diſpleaſe them.

" My Lords, this noble Lord near me hath found fault " with that precedent which he ſuppoſes I offered to your " Lordſhips, concerning the chargeable ladies at Court; " but I remember no ſuch thing I ſaid. But if I muſt " ſpeak of them, I ſhall ſay, as the prophet did to King " Saul, ' what meaneth this bleating of the cattle?' and I

" hope

1680. " hope the King will make me the ſame anſwer, ' that he " reſerves them for ſacrifice, and means to deliver them up " to pleaſe his people.' For there muſt be, in plain Eng- " liſh, my Lords, a change. We muſt neither have Popiſh " wife, nor Popiſh favourite, nor Popiſh miſtreſs, nor Popiſh " counſellor at Court, nor any new convert. What I " ſpoke was about another lady that belongs not to the " Court, but like Sempronia in Cataline's conſpiracy, does " more miſchief than Cethegus.

" In this time of diſtreſs, I could humbly adviſe, our " Prince would take the ſame courſe that the Duke of Savoy " did, to ſuffer neither ſtrangers nor ambaſſadors to ſtay " above a few weeks in his country: for all the ſtrangers " and ambaſſadors have ſerved the plot and deſign againſt " us. I am ſure they have no tye to be for us.

" But, my Lords, what I roſe up to ſpeak, was more " eſpecially to my Lord on the Earl's bench, that ſpoke " laſt, and ſits behind me; who, as he hath the greateſt " influence in our preſent counſels, ſo he hath let fall to " you the very root of the matter, and the hinges upon " which all turns. He tells you that the Houſe of Com- " mons have lately made offers to the King, and he won- " ders we do not expect the King's anſwer to them, before " we enter into ſo hot and high debates.

" He tells you, if the King be aſſured of ſupplies, we " cannot doubt of his compliance in this and all we can " aſk; for otherwiſe the King muſt fall into that which is " the worſt condition of a Prince, to have his people have " no confidence in him. My Lords, this is what I know " they put the King upon; and this is what we muſt be " ruined by, if we may not with freedom and plainneſs " open our caſe.

" My

" My Lords, it is a very hard thing to ſay we cannot 1680.
" truſt the King, and that we have already been deceived
" ſo often, that we ſee plainly the apprehenſion of diſcon-
" tent is no argument at Court: and though our Prince be
" himſelf an excellent perſon, that the people have the
" greateſt inclinations to love, yet, we muſt ſay, he is
" ſuch an one, as no ſtory affords us a parallel of. How
" plain and how many are the proofs of the deſign to mur-
" der him? How little is he apprehenſive of it?

" The tranſactions between him and his brother are ad-
" mirable and incomprehenſible: his brother's deſigns
" being early known to aim at the Crown, before his Ma-
" jeſty's Reſtoration to this kingdom.

" The match with a Portugal lady, not like to have
" children, contrived by the Duke's father-in-law; and
" no ſooner effected, but the Duke and his party make
" proclamation to the world, that we are like to have no
" children, and that he muſt be the certain heir.

" He takes his ſeat in Parliament as Prince of Wales, has
" his guards about him, the Prince's lodgings at Whitehall,
" his guards upon the ſame floor, without any interpoſi-
" tion between him and the King: ſo that the King was
" in his hands and in his power every night; all offices
" and preferments being beſtowed by him; not a Biſhop
" made without him.

" This Prince changes his religion to make himſelf a
" party; and ſuch a party, that his brother muſt be ſure
" to die, and be made away, to make room for him.
" Nothing could preſerve him, but that which I hope he
" will never do; give greater earneſt to that wicked party,
" than his brother could: and after all, this plot breaks

1680. " out plainly, headed by the Duke, his intereſt, and his " deſign.

" How the King hath behaved himſelf, ever ſince the " breaking out of it, the world knows. We have expected, " every hour, that the Court ſhould join with the Duke " againſt us; and it is evident, more hath been done to " make the plot a Preſbyterian plot, than to diſcover it.

" The prorogations, the diſſolutions, the cutting ſhort of " Parliaments, not ſuffering them to have time to look into " any thing, have ſhewed what reaſon we have to have " confidence in the Court. We are now come to a Parlia- " ment again; by what fate or riddle I cannot gueſs; " neither do I underſtand the riddle of it.

" The Duke is quitted, and ſent away: the Houſe of " Commons have brought up a bill to diſable him of the " Crown; and I think they are ſo far extremely in the " right; but your Lordſhips are wiſer than I, and have re- " jected it. Yet you have thought fit, and the King him- " ſelf hath made the propoſition, to make ſuch expedients " as ſhall render him but a nominal Prince.

" In the mean time, where is this Duke, that the King " and both Houſes have declared unanimouſly thus dan- " gerous? Why, he is in Scotland, raiſing forces upon the " terra firma, that can enter dry foot upon us, without " hazard of winds or ſeas; the very place he ſhould be " in, to raiſe a party there, to be ready when from hence " he ſhall have notice; ſo that, this being the caſe, where " is the truſt? We all think the buſineſs is ſo ripe, that they " have the garriſons, the arms, the ammunition, the ſeas, " and ſoldiery, all in their hands. They want but one " good ſum of money, to ſet up and crown the work, and " then

" then they ſhall have no more need of the people; and I 1680.
" believe whether theſe are pleaſed or no, will be no great
" trouble to them.

" My Lords, I hear of a bargain made in the Houſe of
" Commons, and an addreſs made to the King. But this I
" know, and muſt boldly ſay, and plainly, that the nation
" is betrayed, if, upon any terms, we part with our money,
" till we are ſure the King is ours. Have what laws you
" will and what conditions, they will be of no uſe but
" waſte paper before Eaſter, if the Court has money to ſet
" up for Popery and arbitrary deſigns in the mean while.

" On the other hand, give me leave to tell you, my Lords,
" the King has no reaſon to diſtruſt his people. No man
" can go home and ſay, that, if the King complies with
" his people, they will do nothing for him. We want a
" government, and we want a Prince that we may truſt,
" even with the ſpending half our annual revenues for ſome
" time, for the preſervation of theſe nations.

" The growing greatneſs of the French cannot be ſtopped
" with a little expence, nor without a real and hearty
" union of the King and his people. It was never known
" in England, that our Princes wanted ſupplies, either for
" their foreign deſigns, or for their pleaſures. Nothing
" ever ſhut the Engliſh purſes, but the fear of having their
" money uſed againſt them.

" The hour that the King ſhall ſatisfy his people, that
" what we give is not to make us ſlaves and Papiſts, he
" may have what he will; and this your Lordſhips know,
" and all mankind that know us. Therefore let me plainly
" tell your Lordſhips, the arguments which the preſent mi-
" niſters uſe, are to deſtroy the King, and not preſerve him.

1680. " For if the King will firſt ſee what we will do for him, it " is impoſſible, if we are in our ſenſes, we ſhould do any " thing. But if he will firſt ſhew that he is entirely ours; " that he weds the intereſt and religion of the nation; it " is impoſſible---it is impoſſible he ſhould want any thing " that we can give.

" But I ſee how the argument will be uſed: Sir, they " will do nothing for you, what ſhould you do with theſe " men? But, on the other hand, I am bold to ſay, Sir, " you may have any thing of this Parliament. ' Put away " thoſe men, change your principles, change your court, " and be yourſelf;' for the King himſelf may have any thing " of us.

" My Lords, if I have been too plain, I beg your par- " don. I thought it was the duty of an Engliſh nobleman, " at this time, to ſpeak plain, or never.

" I am ſure I mean well; and if any man can anſwer " and oppoſe reaſon to what I ſay, I beg they will do it: " for I do not deſire or propoſe any queſtion merely for " talking ſake.

" I beg this debate may laſt ſome days, and that we may " go to the very bottom of the matter; and ſee whether " theſe things are ſo or no; and what cure there is for the " evil we are in: and then the reſult of our debates may " produce ſome proper queſtion.

" However, we know who hears; and I am glad of this, " that your Lordſhips have dealt ſo honourably and ſo " clearly in the King's preſence, that he cannot ſay he " wants a right ſtate of things. He hath it before him, " and may take counſel as he thinks fit."

The

The boldneſs of this ſpeech, in the King's preſence, ſtruck every perſon with ſurprize. As it was ſpoken upon a reply, without premeditation, it was not, perhaps, taken down ſo correctly as his Lordſhip delivered it. However, it was ſoon printed, and above three hundred thouſand copies of it were ſold. 1680.

Noble ſpirit in the Houſe of Commons.

As it has been always agreed, that this and the laſt Houſe of Commons were chiefly influenced by the Earl of Shafteſbury, it muſt be allowed, that there appeared a noble ſpirit in them, for the liberties of the people. Beſides the excluſion bill, which the Commons had paſſed, they proſecuted ſeveral of the Judges, for illegal practices and judgments; and particularly for diſcharging the grand jury, when Lord Shafteſbury preſented the bill of indictment againſt the the Duke of York. They ordered a * bill to be brought in for the more effectual ſecuring of the meetings, and ſittings, of frequent Parliaments; a * ſecond, that the Judges ſhould hold their places and ſalaries, quam diu ſe bene geſſerint; a third, for an aſſociation of all his Majeſty's Proteſtant ſubjects, for the ſafety of his perſon, the defence of the Proteſtant religion, and the preſervation of his Majeſty's Proteſtant ſubjects, againſt all invaſions and oppoſitions; and for preventing the Duke of York, or any other Papiſt, from ſucceeding to the Crown; and a fourth, againſt illegal exaction of money upon the people, and to make it high treaſon. They paſſed, likewiſe, a vote, "that no "member of the Houſe ſhould accept of any office or place "of profit from the Crown, without leave of the Houſe; "nor any promiſe of any ſuch office or place of profit, "during ſuch time as he ſhould continue a member of the "Houſe."

* The rough draughts of both theſe bills are among Lord Shafteſbury's papers.

Father

1680. Father Orleans imputes to Lord Shafteſbury, by way of reproach, what muſt appear to every unprejudiced mind to be a laudable and noble deſign, his endeavouring to promote a ſtrict union among the Proteſtants. Accordingly, a bill was brought in, and committed, for uniting his Majeſty's Proteſtant ſubjects. " † The act of 35 Eliz. for payment " of twenty pounds a month for every perſon not reſorting " to their pariſh church, was apparently made againſt the " Popiſh Recuſants, but had been lately executed upon " the Proteſtant Diſſenters. Upon which the Commons re- " ſolved, ' That it is the opinion of this Houſe, that the " proſecution of Proteſtant Diſſenters, upon the penal laws " deſigned againſt the Papiſts, is at this time grievous to " the ſubject, a weakening the Proteſtant intereſt, an en- " couragement to Popery, and dangerous to the peace of " the kingdom :' and, therefore, they prepared another " bill, ' for exempting his Majeſty's Proteſtant ſubjects, " diſſenting from the church of England, from the penal- " ties impoſed upon the Papiſts, by repealing the ſaid act 1680-81. " of the 35th of Eliz.' This bill paſſed the Commons, and " was agreed to by the Lords, and lay for his Majeſty's " aſſent: but when his Majeſty came to the throne, to paſs " this among other bills, this was taken from the Lords " table, and never heard of after: which no man durſt " have done without the King's command, or, at leaſt, his " privity or connivance at it."

Bill for uniting his Majeſty's Proteſtant ſubjects.

The bill ſtolen from the Lords table.

Some few of the moſt moderate of the clergy endeavoured, in their writings, to promote this union; and Dr. Compton, Biſhop of London, collected the judgments of ſeveral foreign Proteſtant divines, upon the unlawfulneſs of ſeparation. " All this," ſays Father Orleans, " was an " artifice of the Earl of Shafteſbury, that all Proteſtants

Father Orleans's reflections on the

† Kennet, vol. iii. p. 383.

" might

" might find it their intereſt to deſtroy the Catholics; and " ſo the Duke of York's excluſion from the Crown might " be brought about. He projected an union among all the " nonconformiſt ſectaries and the church of England; and " to bring it about, he put the Houſe of Commons upon " preſſing the King to repeal all the laws made by Queen " Elizabeth againſt them. His Majeſty perceived what they " tended to, and making a true judgment upon the occa- " ſion of that demand, firſt prorogued, and afterwards diſ- " ſolved, the Parliament." 1680-81. Earl of Shafteſbury.

It was apparently the intereſt of the Papiſts to keep up a diviſion among the Proteſtants. This maxim had been laid down by them in the beginning of the King's reign, and the Court had carried ſeveral laws for the ſame purpoſe; ſuch as the uniformity, the corporation, and the five mile acts. The diviſion was begun with ardor, and continued to be promoted by every artifice and intrigue. The deſign of uniting the Proteſtants at this time was, therefore, a moſt important one; and the method of doing it was prudent and well grounded. The firſt preparatory ſtep to it was the bill to repeal the act of the 35th of Eliz. As the Court ſaw the conſequence of this ſtep, and the King could not with decency refuſe his aſſent to the bill, recourſe was had to the contemptible and ſhameful artifice of ſtealing it away. Anſwer to them.

In the mean while, ſeveral deſigns were formed for cauſing it to be believed, that the Popiſh Plot was an invention of the Earls of Eſſex and Shafteſbury, Lord Wharton, and others of the Peers. Simpſon Tonge, in particular, ſon of Dr. Tonge, who had made the firſt diſcovery of the plot, delivered, on the 8th of Auguſt, 1680, a memorial to the King, ſetting forth, that the Popiſh Plot was a contrivance of his father and Dr. Oates, aſſiſted by Lord Wharton, Lord Simpſon Tonge's accuſation of Lord Shafteſbury and ſome other Peers.

1680-81. Lord Eſſex, and Lord Shafteſbury. He alleged, that the two former eſpecially were very intimate with his father; that my Lord of Eſſex was exceedingly zealous in the Iriſh plot; ſent ſeveral letters from London concerning it; and was one whom his father frequently correſponded with, and who had been encouraged by him vigorouſly to defend the contrivance. The Earl of Eſſex, and the reſt of the Peers, were extremely earneſt for Simpſon Tonge's being ſtrictly and ſolemnly examined; and, accordingly, he was brought before the Council, where his memorial was read. At his examination, he behaved with great confidence, ſaid that the Popiſh plot was all a contrivance, and principally fixed it on the Earl of Shafteſbury: upon which one of the Lords of Council aſked him, whether Coleman's Letters were Lord Shafteſbury's contrivance alſo? This ſilenced and confounded him; and, as he had no proofs to ſupport what he had alleged, the Council ordered him to be committed to priſon, where he ſoon after died.

Parliament prorogued, and diſſolved.

New one ſummoned to meet at Oxford.

The King, alarmed at the ſpirit of the Houſe of Commons, had recourſe to his old method of prorogation. On the 10th of January, he prorogued the Parliament to the 20th; and two days before the meeting, diſſolved it by proclamation. At the ſame time, another was ſummoned to meet at Oxford, on the 21ſt of March.

This diſſolution of the Parliament gave great offence to the nation, as did the ſummoning the new one to meet at Oxford. The inconveniences apprehended from its meeting at that place are very ſtrongly ſet forth in the following petition, which was drawn up by Lord Shafteſbury, ſigned by him and fifteen other Peers, and preſented to his Majeſty by the Earl of Eſſex.

" To

1680-81.

" To the King's moſt excellent Majeſty.

" The humble petition and advice of the Lords under-
" named, Peers of the realm,

" Humbly ſheweth,

" That whereas your Majeſty has been pleaſed, by divers
" ſpeeches and meſſages to your Houſes of Parliament,
" rightly to repreſent to them the dangers that threatened
" your Majeſty's perſon, and the whole kingdom, from the
" miſchievous and wicked plots of the Papiſts, and the ſud-
" den growth of a power, unto which no ſtop or remedy
" could be provided, unleſs it were by Parliament, and
" an union of your Majeſty's Proteſtant ſubjects in one
" mind and one intereſt : Petition againſt its meeting there.

" And the Lord Chancellor, in purſuance of your Ma-
" jeſty's commands, having more at large demonſtrated the
" ſaid dangers to be as great as we, in the midſt of our
" fears, could imagine them ; and ſo preſſing, that our li-
" berties, religion, lives, and the whole kingdom, would
" be certainly loſt, if a ſpeedy proviſion were not made
" againſt them :

" And your Majeſty, on the 21ſt of April, 1679, having
" called unto your Council, many honourable and worthy
" perſons, and declared to them and the whole kingdom,
" that being ſenſible of the evil effects of a ſingle miniſtry,
" or private audience, or foreign committee, for the gene-
" ral direction of your affairs, your Majeſty would, for
" the future, refer all things unto that Council, and by
" the conſtant advice of them, together with the frequent
" uſe of your great Council the Parliament, your Majeſty
" had hereafter reſolved to govern the kingdom ; we began
" to hope we ſhould ſee an end of our miſeries.

1680-81. " But, to our unſpeakable grief and ſorrow, we ſoon " found our expectations fruſtrated. The Parliament then " ſubſiſting, was prorogued and diſſolved, before it could " perfect what was intended for our relief and ſecurity: " and though another was thereupon called, yet, by the many " prorogations, it was put off till the 21ſt of October paſt; " and notwithſtanding your Majeſty was then again pleaſed " to acknowledge, that neither your Majeſty's perſon nor " the kingdom could be ſafe, till the matter of the plot was " gone through, it was unexpectedly prorogued on the " 10th of this month, before any ſufficient order could be " taken therein: all their juſt and pious endeavours to ſave " the nation were overthrown; the good bills they had " been induſtriouſly preparing, to unite all your Majeſty's " Proteſtant ſubjects, brought to nought; the diſcovery of " the Iriſh plot ſtifled; the witneſſes, that came in fre- " quently more fully to declare that, both of England and " Ireland, diſcouraged; thoſe foreign kingdoms and ſtates, " who, by a happy conjunction with us, might give a " check to the French power, diſheartened, even to ſuch a " deſpair of their own ſecurity againſt the growing great- " neſs of that monarch, as we fear may induce them to take " new reſolutions; and, perhaps, ſuch as may be fatal to " us; the ſtrength and courage of our enemies, both at " home and abroad, increaſed; and ourſelves left in the " utmoſt danger of ſeeing our country brought into utter " deſolation.

" In theſe extremities we had nothing, under God, to " comfort us, but the hopes that your Majeſty (being " touched with the groans of your periſhing people) would " have ſuffered your Parliament to meet at the day unto " which it was prorogued; and that no further interrup- " tion ſhould have been given to their proceedings, in " order to the ſaving of the nation; yet that failed us too.

" But

1680-81.

" But when we heard that your Majeſty, by the private " ſuggeſtion of ſome wicked perſons, favourers of Popery, " promoters of French deſigns, and enemies to your Ma- " jeſty and the kingdom, (without the advice, and, as we " have good reaſon to believe, againſt the opinion even of " your Privy Council) had been prevailed with to diſſolve " it, and to call another to meet at Oxford, where neither " Lords nor Commons can be in ſafety, but will be daily " expoſed to the ſword of the Papiſts, and their adherents, " of whom too many are crept into your Majeſty's guards; " the liberty of ſpeaking according to their conſciences will " be thereby deſtroyed; and the validity of all their acts " and proceedings, conſiſting in it, left diſputable. The " ſtraitneſs of the place no way admits of ſuch a concourſe " of perſons as now follows every Parliament. The wit- " neſſes that are neceſſary to give evidence againſt the " Popiſh Lords, ſuch Judges or others whom the Commons " have impeached, or had reſolved to impeach, can neither " bear the charge of going thither, nor truſt themſelves un- " der the protection of a Parliament, that is itſelf evidently " under the power of guards and ſoldiers.

" The premiſes conſidered, we your Majeſty's petitioners, " out of a juſt abhorrence of ſuch a dangerous and perni- " cious counſel, (which the authors have not dared to avow) " and the direful apprehenſions of the calamities and miſe- " ries that may enſue thereupon; do make it our moſt " humble prayer and advice, that the Parliament may not " ſit at a place where it cannot be able to act with that " freedom which is neceſſary, and eſpecially to give unto " their acts and proceedings that authority which they " ought to have amongſt the people, and have ever had, " unleſs impaired by ſome awe upon them, (of which there " want not precedents) and that your Majeſty would be " graciouſly pleaſed to order it to ſit at Weſtminſter, it

1680-81. " being the uſual place, and where they may conſult and " act with ſafety and freedom. And your petitioners ſhall " ever pray.

" Monmouth,	Shafteſbury,
" Kent,	Mordaunt,
" Huntingdon,	Evers,
" Bedford,	Paget,
" Saliſbury,	Grey,
" Clare,	Herbert,
" Stamford,	Howard,
" Eſſex,	Delamere."

The petition ill received at Court.

It may eaſily be ſuppoſed that this petition, which ſo boldly ſet forth the miſconduct of his Majeſty and his miniſters, was very ill received at Court. Rapin ſays, " that " the King returned no anſwer, but contented himſelf with " frowning upon the Lords who preſented it." However, it met with great approbation from the public. The city of London ordered their ſheriffs to return their thanks to the noble Peers who preſented it; and the example of the metropolis was followed by many other places.

Applauded by the public.

Elections.

In the mean time, the Earl of Shafteſbury was as active as ever, in ſecuring the elections for members of Parliament: and the counties and corporations throughout England were generally ſo well ſatisfied with the proceedings of the laſt Houſe of Commons, that they reſolved to chooſe the ſame perſons again, and contrived to do it without putting the gentlemen elected to any kind of expence. By this means, a laudable effort was made to cruſh that pernicious cuſtom of bribery and debauchery, which had not only ſcandalized the nation, but poiſoned and almoſt deſtroyed the very conſtitution of our Parliaments.

The

1680-81.

Thanks given to the members of Parliament.

The city of London and moſt of the counties and corporations returned their thanks to the members who had been rechoſen, for their former conduct, and deſired them to purſue the ſame meaſures in the preſent Parliament. They were particularly requeſted to ſecure the meeting and ſitting of frequent Parliaments; to promote the long wiſhed for union among all his Majeſty's Proteſtant ſubjects; to repeal the act of the 35th of Eliz. and the corporation act; and to perſiſt in the excluſion of the Duke of York from the throne.

The following inſtructions, drawn up by Lord Shafteſbury, are among his papers; but the county for which they were intended is not named.

Inſtructions, drawn up by Lord Shafteſbury.

" GENTLEMEN,

" WE have choſen you two, our knights, to repreſent " this county at the Parliament to be holden at Oxford, the " 21ſt of March next; and we do give you ſufficient power " to act on our behalf, in all things that ſhall be found, by " joint advice with the members of Parliament choſen for " other places, to be for our public good and welfare; " which we muſt leave to your integrities and prudence. " Only there are ſome particulars ſo manifeſtly and indiſputably neceſſary, that we cannot omit to give you our " inſtructions and directions beforehand in them.

" 1ſt. We all expect that you ſhould, to the laſt, inſiſt " for a bill to exclude the Duke of York by name, and all " other Popiſh ſucceſſors, from coming to the Imperial " Crown of this realm.

" 2dly. That you inſiſt upon an adjuſtment to be made " betwixt the King's prerogative of calling, proroguing,

" and

1680-81. " and diſſolving Parliaments; and the rights of the people " to have annual Parliaments, to diſpatch and provide for " thoſe important affairs and buſineſs, that can no where " elſe be taken care of: for without the certainty of Par- " liaments meeting in due diſtance of time from each other, " and their ſitting ſo long as ſhall be neceſſary for the diſ- " patch of the affairs of the nation, it is not poſſible, but " that our laws, liberties, lives, and eſtates, ſhould become, " in a ſhort time, at the will of the Prince.

" 3dly. We expect you ſhould reſtore us to that liberty " we and our forefathers have enjoyed, until theſe laſt forty " years, of being free from guards and mercenary ſoldiers; " it being the inſeparable right of a free nation, that they " themſelves, and no ſeparate number of paid or hired " men, ſhould have the guard of their own Prince, go- " vernment, and laws.

" Laſtly, Although we mention theſe three particulars, " as moſt neceſſary to us, yet there are ſeveral others of " great importance, which we leave to your wiſdoms; aſ- " ſuring ourſelves that, until you have fully provided for " a complete ſecurity againſt Popery and arbitrary power, " you will not give any of our money."

The members go armed to the Parliament.

The apprehenſions which prevailed, at that time, of a deſign to over-awe the Parliament, made many of the Lords and the Houſe of Commons reſolve to go thither well attended. The Earl of Shafteſbury was one of the number, and a great retinue was formed for them, by thoſe who went voluntarily, from a principle of affection to their perſons, and the cauſe in which they were engaged. The city, in particular, ſent a numerous body, well armed, for the ſecurity of its members.

The

The Parliament was opened on the 21ſt of March, and, on the ſame day Lord Shafteſbury brought in another bill, to repeal the ſtatute of the 35th of Eliz. On the next day, he made complaint of the former bill's having been ſecreted; and moved that the Houſe might be put into a Committee, to examine the buſineſs of the clerk's not preſenting it at the laſt prorogation. The Houſe, accordingly, went into a Committee, on the 23d of March; and to purſue the matter the more cloſely, the Commons, on the 24th, went upon the ſame examination. It was, likewiſe, propoſed, at a conference, that a Committee of both Houſes ſhould be appointed, to inquire into the affair; and the propoſal was ordered to be conſidered on the 29th of the ſame month: but, the day before, on the 28th, the Parliament was diſſolved. This ſhewed that the Court could not ſtand the teſt of an inquiry which was carried on with ſo much vigour; and in which the ſtealing away of the bill was juſtly repreſented as undermining the conſtitution of Parliaments.

1680-81. Meeting of the Parliament at Oxford.

1681. It is diſſolved.

The following letter of Mr. Locke gives a more particular account of the withdrawing of this bill, and the ſteps which were taken upon it, than has yet been publiſhed.

" To Mr. Stringer at Bexwell, near Chelmsford in Eſſex.

" SIR, OXFORD, 26th March, 1681.

" I thank you for your letter, and for your good wiſhes " therein. I hope our good patriots are not in ſo great " danger in this place as you fear: however it is, I do not " find here any great apprehenſions of it: there is, indeed, " a general deſpair, that nothing will be done for the Pro- " teſtant ſettlement and ſecurity.

A letter from Mr. Locke to Mr. Stringer.

" On Monday the 21ſt, the K. ſpoke to the two Houſes. " His ſpeech, I hear, was cried about London ſtreets, be-

" fore

1681. " fore it was printed here. I need not make any obſerva-
" tions on it, nor tell you how it was reſented. The
" Lord Chancellor ſaid nothing but that the King com-
" manded the Commons to go and chooſe their Speaker,
" and preſent him the next day, at three in the afternoon.
" In the choice of Mr. Williams, at this time, there was this
" unuſual, that, whereas one uſed to riſe up and recom-
" mend, a great number, with one voice, called Mr. Wil-
" liams to the chair: ſo that they could not tell who ſpoke
" firſt; but ſome ſay Mr. Montague was the firſt that ſtood
" up, and he and Sir Jo. Hotham conducted him to the
" chair. After the King's ſpeech, the Lords read the bill
" for repealing the 35th of Q. Elizabeth, and ordered it to
" be read, the ſecond time, the next day.

" On Tueſday the 22d, my Lord Shafteſbury moved
" that it might be examined in a Committee of the whole
" Houſe, by whoſe default it was that the firſt bill of re-
" peal of the 35th of Q. Elizabeth was not preſented to the
" King, upon the prorogation of the laſt Parliament; which
" was accordingly ordered. Then they read the ſaid bill
" a ſecond time, and it was moved that it might be read
" a third time the next day; but my Lord Halifax deſired
" it might be committed; not that he was againſt the bill,
" or the expediting the paſſing of it, but that it might paſs
" with the more formality. My Lord Chancellor was for
" the paſſing of the bill; the Biſhops were againſt it. My
" Lord Chancellor ſaid it was always thought a hard law,
" and was never put in execution, that he heard of, but
" once: that it was judged by moſt lawyers to be expired,
" till the act of uniformity. By that act it was declared
" to be in force; and if we ſhould hereafter be ſo unhappy
" as to have a King that ſhould favour Popery, it would
" be a dangerous tool in his hands, againſt the Proteſtants.
" With ſaying much more to that purpoſe, he wiſhed them

" to

" to expedite the paſſing of it. The Biſhop of London re- 1681.
" plied upon him with much vehemence, and ſome reflec-
" tion; ſpeaking long, but his ſpeech was one of thoſe that
" cannot be remembered. All that I could learn of it was,
" that the act of the 35th of Q. Eliz. was the only means
" the church had now left to free herſelf of ſchiſm. A
" Lord (a * friend of yours) replied, he thought that this
" bill had been loſt by a Court trick, to bring in a new
" way of a negative; but now he ſaw it was partly eccleſi-
" aſtical, ſince they had rather leave ſuch a weapon to fall
" into Popiſh hands, than the church ſhould loſe it. The
" Lord Halifax ſaid, he could eaſily gueſs what that Lord
" would ſay; and that the Biſhops (for divers had ſpoken
" againſt the bill of repeal, as Ely, Saliſbury, Durham, &c.)
" had given him great advantage by this oppoſition; and
" he could not but wonder at it, and feared the whole na-
" tion would ſuſpect them. The iſſue was, the bill was
" committed to a private Committee. At three in the after-
" noon, the Speaker preſented himſelf to the King. There
" was nothing remarkable but that paſſage in the Speaker's
" ſpeech, wherein he told the K. he might ſee the Houſe of
" Commons were not given to change, by their chooſing
" him again for their Speaker.

" On Wedneſday the 23d, the Lords, in a grand Com-
" mittee, examined the Clerk of the Crown, why he did
" not preſent the firſt bill of repeal to the King: his an-
" ſwer was, that the Clerk of the Parliament had always
" the cuſtody of the bills, and that he preſented all that the
" Clerk of the Parliament delivered to him; which was ac-
" cepted as a ſufficient anſwer. Then the Clerk of the Par-
" liament was examined, who gave this account; that un-

* Lord Shafteſbury.

1681. " derſtanding the King came in his robes, he brought the
" bills: as he was bringing them, he met my Lord Fal-
" conbridge, who aſked him how many bills he had; he
" told him four; he ſaid he heard the King would paſs but
" three of them; whereupon he went up to my Lord Chan-
" cellor, and told him what my Lord Falconbridge ſaid.
" My Lord anſwered him, he did not know what the King
" would do, but he would aſk him. The King bid him
" bring in the bills to the Prince's lodgings to him: then
" the King took a certain Lord aſide, and talked with him
" in a corner of the room; after which he came to the
" Clerk of the Parliament, and told him he would not paſs
" the bill of repeal. Then the Clerk aſked the King, if he
" ſhould write upon the bill of repeal the words the King
" uſes, and which, it ſeems, are writ upon it, when the
" King refuſes a bill: the King ſaid, No, but that he ſhould
" leave it there, and not bring it into the Houſe to be of-
" fered. Many good debates were upon this ſubject, but
" they are too long to rehearſe. The further conſideration
" of it is adjourned to Tueſday next. All this day was
" ſpent, by the Houſe of Commons, in ſwearing their
" members.

" Thurſday the 24th, the Lord Norris brought in my
" Lord of Danby's poſition, which was very ſhort, not
" praying to be brought to a ſpeedy trial, but ſetting forth
" his long impriſonment, and great infirmities thereby con-
" tracted, praying to be bailed. My Lord Aylesbury ſe-
" conded it; my Lord Berkley, Arundel of Trerice, Cla-
" rendon, and others, preſſed it; and if it had been put
" to the queſtion, they would have carried it abundantly:
" but my Lord Halifax's oppoſing it, as a thing very unſea-
" ſonable, that would breed heats, and hinder the public
" buſineſs, put off the queſtion, and the further debate of
" it,

" it, till Monday next. The reſt that oppoſed it you will 1681.
" eaſily gueſs.

" Some part of this day the Houſe of Commons ſpent in
" ſwearing the reſt of their members, ſettled committees,
" and received petitions about elections, and ordered four
" elections to be tried at the bar: that of Briſtol being one,
" is to be heard on Monday ſe'nnight. Then they ordered
" to take into conſideration the not tendering the bill of
" repeal to the King the laſt Parliament; on Friday and on
" Saturday, to take into conſideration the preſervation of
" the King's perſon, and the Proteſtant religion; upon
" which ſubject there were ſome warm debates; the exclu-
" ſion of the Duke being mentioned as the only expedient.
" The printing of the votes was, likewiſe, ordered; which
" Mr. Secretary Jenkins oppoſed with all his might, ſaying,
" it was an appeal to the people: but he was ſoundly
" mumbled for his pains, and the vote carried with a tor-
" rent.

" My time and my paper are almoſt at an end; and I
" muſt let alone yeſterday's buſineſs, which was a great
" day in the Houſe of Commons.

" The Lord, that the Clerk of the Parliament ſaid went
" aſide with the King in the Prince's lodgings, it is whiſ-
" pered, was my Lord Halifax: but the Lords would not
" permit that Mr. Brown ſhould be preſſed to tell his name
" to the Committee. We are told my Lord Halifax and Mr.
" Hyde are now the intimate and only Counſellors.

" I am, SIR,

" Your moſt humble ſervant,

" J. LOCKE."

1681. Reaſons of the Parliament's diſſolution.

The determination of the Parliament to find out the means by which the bill of repeal was loſt, ſeems to have been the principal reaſon for its ſpeedy diſſolution. There were, however, other reaſons that co-operated with it; for the Commons had gone, with their former zeal, upon the bill of excluſion; and had impeached one Edward Fitzharris, for a treaſonable libel written by him, of which a pretty full account is given by Rapin, Kennet, and ſeveral authors.

As Fitzharris's conduct was intended to ridicule the belief of the Popiſh plot, to caſt an odium on the Country party, and to bring a falſe accuſation againſt the proteſting Lords, of whom the Earl of Shafteſbury was always one, it may not be improper to inſert ſome account of it in this place, from the hiſtorians juſt mentioned.

Rapin's account of Fitzharris's deſign.

" One * Fitzharris, an Iriſh Papiſt, who had free acceſs " to the Dutcheſs of Portſmouth, and kept a correſpon- " dence with her favourite woman Mrs. Wall, and with the " confeſſor of the French Ambaſſador, having received ſe- " veral preſents, and particularly one of two hundred and " fifty guineas, undertook to prevail with one Edmund " Everard, to write a libel againſt the King. Everard " feigned to conſent, and appointed a meeting to receive " informations, by which his pamphlet was to be framed. " But, at the ſame time, he communicated the affair to Sir " William Waller and Mr. Smith, and cauſed them to be " concealed in a place where they might hear what paſſed " between Fitzharris and him. The next day, being both " together in a room, Fitzharris told Everard, that he " ſhould write a libel againſt the King, upon the follow- " ing heads:

* Rapin.

" That

" That the King and Royal Family were Papiſts, and 1681.
" arbitrarily affected from the beginning:

" That Charles the Firſt had a hand in the Iriſh rebel-
" lion, and that Charles the Second did countenance the
" ſame, by preferring Fitzgerald, Fitzpatrick, and Mount-
" garret, who were engaged in the ſaid rebellion:

" That the act, forbidding to call the King a Papiſt, was
" to ſtop mens mouths when he ſhould incline to further
" Popery; which appeared by his adhering ſo cloſely to the
" Duke of York's intereſt, and hindering him being pro-
" ceeded againſt by the Parliament, and hindering the of-
" ficers put in by the Duke, to be turned out; and for
" that the Privy Counſellors and Juſtices of the Peace, who
" were for the Proteſtant intereſt, were turned out of all
" places of truſt:

" That it was as much in the power of the people to
" depoſe a Popiſh poſſeſſor, as a Popiſh ſucceſſor; and ſee-
" ing there was no hope that the Parliament, when they
" met at Oxford, could do any good, the people were
" bound to provide for themſelves.

" Everard afterwards received theſe inſtructions in wri-
" ting, and drew up his libel, which was injurious to the
" King, and full of ſedition.

" This libel was to be diſperſed, by the penny poſt, to
" the proteſting Lords; and particularly to the leading
" Preſbyterians, whoſe houſes were to be ſearched, in order
" to find this libel, which was to ſerve as a proof of a con-
" ſpiracy, formed by the Preſbyterians againſt the govern-
" ment.

" This

1681. "This is what Everard affirmed, and that the whole "came from the Court. At laſt, Waller having informed "the King of the affair, the King ordered Secretary Jenkins to iſſue out a warrant for apprehending Fitzharris, "and that Waller ſhould execute it. Yet he was no ſooner "gone, but Sir William declared, he was informed by two "worthy gentlemen, 'that the King was highly offended "with him, ſaying, he had broken all his meaſures.' However, Waller arreſted Fitzharris, and ſent him to Newgate."

Kennet's. Kennet ſays, "That this libel was to be fixed upon the "Proteſtant Diſſenters, and to be diſperſed by the penny "poſt to the proteſting Lords, and leading men in the "Houſe of Commons, who were immediately thereupon to "be taken up and ſearched. Everard affirmed the Court "had a hand in it, and that the King had given Fitzharris "money, and would give him more, if it had ſucceſs. "And this is ſo much the more to be credited, ſince the "King himſelf told Sheriff Corniſh, that Fitzharris had, "three months before his apprehenſion, been with him, "and acquainted him he was in purſuit of a plot, which "very much related to his Majeſty's perſon, and the government, &c.

"Fitzharris, being examined by Sir Robert Clayton and "Sheriff Corniſh, diſcovered a diſpoſition, and, at length, "a willingneſs to diſcover the whole deſign the next day "after. But to prevent it, in all appearance, he was that "day removed into the Tower. The Commons thought "that all this looked ſo much like a trick, and a continuation of the Popiſh plot, that they reſolved to impeach "Fitzharris of high treaſon."

When

1681.

When the impeachment was carried up to the Lords, the Court, to prevent a detection of the matter, ordered the Attorney General to acquaint them with the examination taken againſt Edward Fitzharris, and to tell them, he had an order from the King, to proſecute the ſaid Fitzharris at law; and that he had accordingly prepared an indictment againſt him. Upon this, by the influence of the Miniſtry, the Peers threw out the impeachment.

Fitzharris impeached by the Commons.

The impeachment thrown out by the Lords.

The debate upon the affair was very long in the Houſe of Lords. Lord Shafteſbury, with his uſual ſpirit, ſpoke for the impeachment; and when the queſtion was carried againſt it, he drew up a proteſt, which was ſigned by himſelf and eighteen other Peers.

Fitzharris executed.

" * Fitzharris was executed on the 1ſt of July. He had " been prevailed, by Dr. Hawkins, (Miniſter of the Tower, " and ſoon after Dean of Chicheſter) to ſign a paper, in " which he accuſed Sir Robert Clayton, Sir George Treby, " and the Sheriffs, of ſubornation of perjury. His wife " was not then admitted to him: but he wrote ſeveral let- " ters to her, one the very morning on which he ſuffered, " informing her how he was practiſed on with hopes of " life, if he would accuſe the Earl of Shafteſbury of the " libel. He declared that he was innocent, and that what " he had depoſed againſt the Papiſts was true. He charged " her by no means to be prevailed on to ſwear falſly againſt " any. Theſe letters had ſuch a tendency to deſtroy the " credit of Hawkins's paper, that the Court got her to de- " liver them, upon the promiſe of a penſion."

The King reſolves to govern without Parliaments.

When the King had diſſolved the Parliament at Oxford, he reſolved, for the future, to govern without one; and,

* State Trials, vol. iii. p. 289.

indeed,

1681. indeed, from this time, he became quite abſolute. "What "was ſtill more remarkable," ſays Rapin, "he grew as "ſanguinary as he had hitherto appeared merciful; and as "ſoon as he had power in his hands, he made his enemies "feel the moſt terrible effects of his vengeance."

Artifices of the Court to divide the people.

In order to render the King more eaſy and ſafe in the exerciſe of an arbitrary power, every art was made uſe of by the Court, to foment the diviſions among the people. The Church party, in particular, were continually alarmed with the dangers they were expoſed to from the Nonconformiſts. The pulpits rang with theſe dangers; and many of them were proſtituted ſo far, as to revile the Earl of Shafteſbury, as the great inflamer of the nation. By theſe means, the zealots for the Eſtabliſhment were engaged to promote, with eagerneſs, the views of the Crown, without reflecting how much greater injuries they muſt be liable to from the prevalence of the Duke of York and the Papiſts, than they poſſibly could receive from the Proteſtant Diſſenters.

Lord Shafteſbury apprehended.

The Court, having now become triumphant, determined to proceed with vigour againſt the perſons who had ſtood up in the cauſe of public liberty. Among theſe perſons, Lord Shafteſbury was the principal, and the moſt obnoxious: accordingly, on the 2d of July, 1681, he was apprehended at Thanet-Houſe in Alderſgate-Street; his papers were ſeized, and he himſelf was carried to Whitehall, whither the King himſelf had come, from Windſor, by ten o'clock in the morning.

Examined by the King and Council.

Upon his examination before the King and the Council, he requeſted, that the witneſſes, who had ſworn againſt him, might be confronted with him, and examined ORE TENUS: he

he desired, likewise, that the Lords of the Council would consider the quality of the evidence; and he appealed to them whether any of their Lordships actually believed the truth of the depositions against him. He asked them whether they judged him so void of prudence, as to treat with such persons, about matters of so dangerous a concernment: if they did, they must think him more fit for Bedlam than the Tower. There was nothing found among his papers which could possibly be laid hold of, except the draught of an * association. A vote for an association had passed in the House of Commons, and had been proposed in the House of Lords. However, the draught now found did not appear to be Lord Shaftesbury's; and Bishop Burnet himself says, "that it was neither writ nor marked in any place with his "hand: but, when there was a talk of an association, "some had formed this paper, and brought it to him; of "which he always professed, after the matter was over, "that he remembered nothing at all. So it is probable, "that, as is ordinary when any great business is before "the Parliament that zealous men are at the doors with "their several draughts, this was one of these cast carelessly "by, and not thought on by him when he sent his more "valuable papers out of the way." 1681.

As he was conducted to the Tower, great crowds of people ran out to see him, and saluted him with their wishes and prayers for his prosperity. One, among the rest, cried

And committed to the Tower.

* The corporations having been modelled to the King's mind, addresses were sent up from most of them, declaring an abhorrence of the principles contained in the association; and Lord Shaftesbury was pelted at, in the Gazettes, almost constantly, for a year afterwards. The addresses were generally presented to the King at Windsor, and the persons who presented them were commonly knighted; upon which Lord Shaftesbury used to call them the poor knights of Windsor.

1681. out, "God bleſs your Lordſhip, and deliver you from your "enemies;" to whom he replied, with a ſmile, "I thank "you, Sir, but I have nothing to fear; they have: there- "fore pray to God, to deliver them from me." Two or three days after he was committed, one of the Popiſh Lords, pretending a ſurprize at ſeeing him there, aſked him what had brought his Lordſhip thither? he anſwered, "that "he had been lately indiſpoſed with an ague, and was "come to take ſome Jeſuits powder." Thus did he, in every exigence, preſerve his chearfulneſs of mind; and his courage was above yielding to any ſurprize.

SECTION XIV.

Containing the remainder of the hiſtory of Lord Shafteſbury, to the time of his deceaſe.

1681. Attempts to perſuade the public of Lord Shafteſbury's guilt.

AS ſoon as Lord Shafteſbury was committed to the Tower, the Popiſh party exerted themſelves to ſpread among the public a perſuaſion of his guilt. For this purpoſe, letters from unknown hands, and without names, were ſent to ſeveral perſons, exhorting them to ſecure and convey away their papers. The following is a copy of one of theſe letters.

" Mr. GIBBS,

" My Lord Shafteſbury being juſt committed to the " Tower, and Sir Thomas Player under examination be- " fore the King and Council, and ſeveral warrants out " againſt ſeveral of our deareſt friends, and now all like " to be diſcovered; I was deſired, by his Lordſhip, to give " warning to all his friends, and particularly thoſe in Wap- " ping, to ſecure all papers and things, &c. of which I " deſire you to give notice to ſo many as you can think; " that they nor you may be ſurprized: being in more haſte " than ordinary, have only time to ſubſcribe myſelf,

" Yours in all ſecrecy,

Whitehall, July 2, 1681. " J. T.

" Your name is in the liſt with others of your neighbours."

1681. Lord Shafteſbury had been committed only upon general informations, which were procured by, and taken before, Juſtice Warcup, a perſon who, by ſeveral infamous proceedings, had long rendered his name and character juſtly hateful to the public. In the year 1666, a complaint had been preferred againſt him, by Lord Arlington, for making uſe of his name without his knowledge, in a ſcandalous tranſaction; and, the truth of the accuſation being proved, the King, in Council, had ordered him to be committed to the Fleet. He was, at the ſame time, put out of the commiſſion of lieutenancy, baniſhed for ever from the Court, and the Duke of York declared, that he would diſmiſs him from his ſervice. However, in a few weeks, upon Warcup's ſubmiſſion to Lord Arlington, and aſking pardon on his knees, he was diſcharged from priſon, and ſoon reſtored to be a juſtice of the peace. To this man, who was ready to execute any ſcheme of iniquity, was entruſted the procuring of witneſſes, and the inſtructing of them in what they were to allege againſt Lord Shafteſbury.

Juſtice Warcup employed againſt Lord Shafteſbury.

When the ſeſſions, of oyer and terminer for London, began at the Old Baily, July the 7th, 1681, his Lordſhip, who had been kept ignorant of the crimes ſworn againſt him, petitioned the court, agreeably to the Habeas Corpus act, that he might be brought to his trial, or bailed: and, on the laſt day of the ſame ſeſſions, as no indictment had been preferred, or proceedings entered into againſt him, he moved, by his council, that he might be bailed, or ſet at liberty, according to law. This the Lord Chief Juſtice Pemberton refuſed, under pretence that the Tower of London was not within the limits of the commiſſion granted to the court of ſeſſions.

Lord Shafteſbury's applications to the ſeſſions at the Old Baily.

He is repeatedly denied relief by Judge Pemberton.

Lord Shafteſbury, being unwilling that this denial ſhould become a precedent for eluding the Habeas Corpus act, made,

made, at the next ſeſſions at the Old Baily, September the 5th, 1681, by another petition, a ſecond claim of right; and ſet forth that he was ſtill wrongfully detained a priſoner, and, therefore, prayed to be tried, or ſet at liberty, according to law: and there being as yet no indictment, or any kind of proceeding againſt him, on the laſt day of the ſeſſions, he moved again, by his council, to be releaſed. But the Chief Juſtice Pemberton refuſed it as before, and for the ſame reaſon; though Sir Patience Ward, who was then Lord Mayor, declared it to be his opinion, that the Earl of Shafteſbury ought to be relieved; and ſaid, he left it to the Chief Juſtice to anſwer for the refuſal. 1681.

Lord Shafteſbury, being determined to continue his claim, exhibited, at the next ſeſſions at the Old Baily, October the 10th, a third petition, to the ſame effect with the two former; and, though ſtill there was no indictment, the Chief Juſtice Pemberton refuſed to bail or ſet him at liberty.

He applies in the ſame manner to the ſeſſions at Hicks's Hall, without ſucceſs.

To obviate the pretence, that the Tower of London was not within the limits of the city, the Earl, at every one of theſe ſeſſions, petitioned, likewiſe, in the ſame manner, the juſtices of the peace, at the ſeſſions held for Middleſex at Hicks's Hall; where they always have a commiſſion to enquire of any matters committed in the county of Middleſex, though they never read it, except it be required by ſome particular occaſion. But Sir William Smith, who ruled the bench there, poſitively refuſed to read the commiſſion, or to grant him any relief.

Bills of indictment againſt Warcup and others.

At the ſeſſions held at the Old Baily, September the 5th, 1681, four bills of indictment were offered againſt Edmund Warcup the Juſtice, John Smith, John Macnamara, and Bryan Haynes, for ſubornation of perjury. The witneſſes to theſe indictments were all in the court, that they might be

1681. be ſworn, in order to their attending the grand jury. The court being informed, by the clerk of the ſeſſions, that ſuch bills were delivered to him, the Chief Juſtice, as is uſual, called for the witneſſes to be ſworn; but one of the King's counſel ſtanding up, and ſpeaking privately to him, he ordered the indictments to be laid aſide till the next day. The ſolicitor in that buſineſs, and other gentlemen, who were concerned in the management of it, humbly moved the court, that, ſince their witneſſes were all ready, they might not be put off, but ſworn preſently; upon which, the Chief Juſtice, in great anger, demanded who thoſe were that took upon them to direct the court; and told them, they might attend the next day, which they ſubmitted to, and attended accordingly.

When the indictments were offered again to the court, Pemberton aſked what thoſe indictments were, and ordered one of them to be read. The ſubſtance of it was, "that "there being a Popiſh plot, to deſtroy the King, govern- "ment, and Proteſtant religion, and to introduce Popery "and arbitrary power, for which divers perſons had been "found guilty, and were executed; Edmund Warcup, "knowing the truth of the premiſes, did entice ſeveral wit- "neſſes, take off their evidence againſt the Papiſts, and, "by promiſes of great rewards, did perſuade them to ſwear "falſly againſt divers Proteſtants, and particularly againſt "the Earl of Shafteſbury, &c." The Chief Juſtice, ſtarting up in great heat, ſaid, "that theſe indictments were "not to be admitted for many reaſons."

Rejected by Pemberton.

The firſt of theſe reaſons was, "that, if any perſons ac- "cuſed of crimes, ſhould have liberty to indict the wit- "neſſes, it would be a means of deſtroying all evidence; "and be a precedent for felons and burglarers to eſcape "puniſhment." It did not, however, in the leaſt appear to

to the court, that the perſons againſt whom the indictments were offered were witneſſes againſt Lord Shafteſbury; for there had been no proceedings againſt him in that court: not to mention that a clear proof of ſubornation of perjury muſt have been a ſufficient reaſon for excluding a man from giving his evidence in any cauſe. 1681.

Pemberton's ſecond reaſon for not admitting the indictments, was, "becauſe the preſenting of them was a Popiſh "deſign to deſtroy all the King's evidence, and put an "end to the Popiſh plot."

The third, which he gave with great paſſion, was, "that "in thoſe indictments the King's name was uſed, before "the Attorney General had given his conſent to it; with-"out whoſe leave he declared that they ought not to be "admitted;" and this the Attorney General, who was in the court, refuſed to grant. His ſtrange conduct.

It was certainly very extraordinary to refuſe Lord Shafteſbury, and other men of character, the liberty of uſing the King's name, in a criminal proceeding in a court of juſtice, when the meaneſt ſubject had an undoubted right, by the law and cuſtom of England, to do it in any proceſs for redreſſing abuſes, whether againſt the community or particular perſons. Neither had it been ever known to be in the power of the Attorney, or any other officer of the law, to prevent or hinder it; ſince it muſt neceſſarily enable him to obſtruct, in a great meaſure, the juſtice of the kingdom, and direct in what channel it ſhould run; as, by a parity of reaſon, the Attorney's conſent ought to be aſked to all indictments, at all the aſſizes and ſeſſions, in every county of England. However, on theſe unjuſtifiable grounds, a ſtop was put to any proſecution upon the indictments brought againſt Warcup and his accomplices.

Three

1681. Three other indictments were, likewiſe, prepared againſt David Fitzgerald, Edward Ivey, and Bernard Dennis, for the ſame crime committed in Middleſex. When that againſt Fitzgerald was tendered to the court ſitting at Hicks's Hall, Sir William Smith, Pemberton's repreſentative and echo, ordered it to be openly read, and then, under a pretence of great care, he took time, till the next day, to conſider and adviſe about it. When the next day came, Adderley, the Clerk of the Peace, had miſlaid the indictment, and it was never afterwards to be found. But the witneſſes to it, while they were attending to be ſworn, in order to give evidence to the grand jury, were arreſted by a private order of the court, and hurried to gaol, where, till the danger of the indictments was over, they were held to ſuch unreaſonable bail as could not be procured for their deliverance.

Indictment againſt David Fitzgerald

miſlaid by the Clerk of the Peace.

The witneſſes impriſoned.

Determination of the Popiſh party with regard to Lord Shafteſbury.

The Popiſh party at Court had, for ſome time, reſolved to confine the Earl of Shafteſbury, and to continue him in confinement, with the hope of finding proof againſt him, and being reſolved to make it, if they found none. That this deſign had been long concerted, appeared from the affidavits of ſome captains of ſhips, and others, who had been in France; and who, at St. Malo's and different parts, had heard of his commitment before it happened.

Methods uſed to get evidence againſt him.

As the Miniſtry were not provided with ſufficient evidence againſt Lord Shafteſbury, they were forced to take the extraordinary methods already mentioned to keep him in confinement, till they had ſucceeded in their endeavours to gain ſuch witneſſes as would anſwer their purpoſe.

Caſe of Capt. Wilkinſon.

With this view, they made particular application to one Captain Wilkinſon, who, being at that time in priſon, was looked upon as a perſon who might be rendered ſubſervient to

to their deſigns. This gentleman, who had the character of being a brave and honeſt old officer, had ſerved King Charles the Firſt in the civil wars; and King Charles the Second, both at and after the Reſtoration. Meeting, however, with no recompence for his ſervices, after a long attendance at Court, he was going, with his family, and a great number of ſervants, to North-Carolina, of which colony he had been appointed Governor, by Lord Shafteſbury and the reſt of the proprietors. By a delay of his voyage, after a veſſel had been hired to tranſport him, he was involved in a debt for demurrage of the ſhip, arreſted, and thrown into priſon. 1681.

Many attempts were uſed to ſuborn him * againſt the Earl of Shafteſbury; and an eſtate of five hundred pounds a year, in Ireland, belonging to the Duke of York, was offered him, if he would become an evidence. When promiſes could not prevail upon him, recourſe was had to threatenings; and, at a cloſe and ſevere examination which he went through before the King, the two Secretaries of State, and ſeveral Lords of the Council, every method, both of allurement and terror, was applied, to bring him to a compliance with the views of the Court. He was proof, however, againſt all attacks; and perſiſted in declaring that he had no treaſon to allege againſt Lord Shafteſbury. In his printed information are theſe words:

" My Lord Chancellor would not believe, but I muſt be " guilty of knowing great things againſt my Lord Shafteſ- " bury. I told him, if I could not be believed upon my

* The information of Captain Henry Wilkinſon of what paſſed betwixt him and ſome other perſons, who have attempted to prevail with him to ſwear high treaſon againſt the Earl of Shafteſbury. London: Printed for H. Wilkinſon, 1681.

1681. " word there, if they pleaſed to bring my Lord Shafteſbury " upon his trial, I would declare in open court, upon " oath, what my knowledge was, without any hopes of " gain, or advancement. My Lord Chancellor, I thank " him, did me that equity to tell me, there were two ſorts " of advancement; I need not give myſelf that trouble; " for I was like to come to my trial myſelf, before my " Lord Shafteſbury."

Declaration of Biſhop Burnet.

* Biſhop Burnet allows, that all this ſummer, " there " was ſtrange practiſing with witneſſes, to find more mat- " ter againſt him. The Court had found out two ſolicitors " to manage ſuch matters, Burton and Graham, who " were, indeed, fitter men to have ſerved in a court of in- " quiſition than in a legal government."

Stephen College tried,

To prepare and ſeaſon thoſe witneſſes whom the Miniſtry had found out, in order to be employed againſt Lord Shafteſbury, Stephen College was tried at Oxford, for treaſonable words, which he was charged with having ſpoken in that city. This man, who, along with other perſons, had attended the Lords and city members to Oxford, had diſtinguiſhed himſelf by the warmth of his zeal againſt Popery; ſo that he was, in deriſion, commonly called the Proteſtant Joiner. At his trial, his memorandums, and the inſtructions that he had for his defence, were taken from him; notwithſtanding which, he pleaded his cauſe with great ability, ſagacity, and reſolution.

† " It is not poſſible," ſays Rapin, " to read the parti- " culars of this trial, the partiality of the Judges, and the

* Burnet's Hiſtory, vol. i. p. 506.

† Tindal's Rapin, vol. ii. p. 724.

" depo-

" depoſitions of the witneſſes, without diſcovering a ſettled " deſign for the deſtruction of this man, who was con- " demned and executed as a traitor." 1681. and executed.

On the 24th of November, a bill of indictment of high treaſon was preferred againſt Lord Shafteſbury. The grand jury conſiſted of ſome of the moſt eminent merchants and citizens of London, of whom Sir Samuel Barnardiſton was the foreman. The two Chief Juſtices were preſent, and there was as great a concourſe of people of diſtinction and ſubſtance as had ever aſſembled together in a court of judicature. The grand jury deſired that they might examine the witneſſes in private; alleging that it had been the conſtant practice of their anceſtors and predeceſſors, and inſiſting upon it as their right, becauſe they were bound to keep the King's ſecrets, which they could not do if the examination was in open court. It was farther urged by them, that, in the freedom of a private examination, diſcoveries were ſometimes made of perſons having been guilty of treaſon, and miſpriſion of treaſon, who were not known or thought of before; whereas in a public examination, intimation might be given to theſe perſons before they could be ſecured, by which means they would make their eſcape. To all this it was added, that the whole evidence would be known before it came to its principal trial by the petty jury. Theſe reaſons were over-ruled by the court; but the grand jury deſired it might be recorded, that they had inſiſted on it as their right, to examine the witneſſes in private.

Indictment of high treaſon againſt Lord Shafteſbury.

Grand jury's reaſons for deſiring to examine the witneſſes in private.

Over ruled.

The reaſon of this public examination was obvious. It was intended to prevent the grand jury from diſcovering any ſuſpicions they might have that the evidence againſt Lord Shafteſbury was ſuborned. The Judges, in the courſe of the examination, very frequently and partially checked

Partiality of the Judges.

1681. the jury; and, as far as they could, ſupported the witneſſes, who, however, plainly appeared to be men of no credibility, and of the moſt infamous characters.

As the proceedings relative to this affair are printed at large in the State Trials, the reader may thence be able to make his obſervations upon them. The grand jury perceived, upon examination, that the aſſociation was not written in Lord Shafteſbury's hand, and that the depoſitions of the witneſſes abounded with improbabilities; and, therefore, the bill was returned IGNORAMUS.

The bill returned Ignoramus.

Joy at Lord Shafteſbury's acquittal.

The audience, though in a court of juſtice, immediately broke forth into the loudeſt acclamations, which were ſoon echoed through the city. As Lord Shafteſbury had long ſtood at the head of the oppoſition, and in the front of danger, his was looked upon as the common cauſe, and the cauſe of liberty. The public joy for his acquittal was teſtified, in every part of the city, by the ringing of bells, bonfires, and drinking his health, with proſperity to the Proteſtant religion, and the liberties of England. As a farther ſenſe of his merit, a medal was ſtruck upon the occaſion, having on one ſide the Earl's effigies, and on the reverſe the ſun iſſuing from a cloud over the Tower of London, and darting its beams on the city.

When word was carried to Lord Shafteſbury that the jury had found the bill Ignoramus, the meſſenger found him playing at cards with his Counteſs.

The reſentment of the Court.

The Miniſtry were ſo conſcious of the injuſtice of the proſecution, and ſo angry at their diſappointment, that they uſed their utmoſt endeavours to ſtifle all accounts of it. A meſſenger, and the Wardens of the Company of Stationers, went to the ſeveral printing-houſes, requiring them to publiſh

liſh nothing in favour of the Earl of Shafteſbury, or in juſtification of the Ignoramus, which had been brought in by the grand jury, upon the bill that was preferred againſt him. 1681.

The printers were eaſily intimidated; and the more, as one Francis Smith, a bookſeller, had been tried, convicted, and deeply fined, for having cauſed Lord Shafteſbury's ſpeech, entitled, The ſpeech of a noble Peer, &c. to be printed and publiſhed.

The Earl ſettles his eſtate.

As the Earl ſaw the reſentment of the Court ſo ſtrongly pointed at him, he had ſome time before * ſettled his eſtate in ſuch a manner as would prevent his family from ſuffering, whatever might happen to himſelf. He granted, at the ſame time, copyhold eſtates, during their lives, to ſeveral of his ſervants, whom he had found faithful to him; and ſome of theſe ſervants enjoyed them many years.

Sir John Hawles's remarks on the return of the bill.

Sir John Hawles makes the following remark upon this return of the bill againſt Lord Shafteſbury. † "The grand "jury (though ſome of them afterwards ſmarted for it "upon other pretences) did like honeſt, underſtanding

* Biſhop Burnet ſays, "his family would have been ruined, if he "had not betrayed his party." But it is certain that the Biſhop knew nothing of the firſt part of this aſſertion, and that he doth not give the leaſt proof of the latter: nor does there appear one ſingle inſtance of Lord Shafteſbury's having ever betrayed or ever accuſed any perſon. His flight to Holland is a plain indication that he did not; for it is not to be thought that a man of his underſtanding would have betrayed his party, without making terms for himſelf. Indeed, the Biſhop himſelf anſwers this charge, by what he ſays a line or two before, "that Lord Shafteſbury was to the laſt much truſted by all "the diſcontented party."

† State Trials, vol. iv. p. 184.

"gentlemen;

1681. "gentlemen; and had they done otherwiſe, to avoid the "ignominy of being called (though, in truth, it was an "honour to be) an Ignoramus Jury, they had juſtly de- "ſerved the reproach which ſince has lighted on other "juries, ſuch as Mr. Corniſh's, and the like."

Sir John makes, likewiſe, the following remark. "Could "any perſon, who knew my Lord Shafteſbury, or that "had heard of, or believed his character to be what it was, "believe that it was poſſible for him to diſcourſe with the "witneſſes at the rate they ſwore? to ſome of them at the "firſt, to others of them the ſecond time he ſaw them; to "diſcourſe of matters of policy, with Booth at one time, "afterwards with Haynes, and afterwards with Macna- "mara; fellows of ſo little ſenſe, that he would have been "aſhamed to have entertained them in the meaneſt office "about him; and yet, as they pretended, he makes them "his privadoes in the ſecret, of not ſo much what he "would have them, but of what he intended himſelf to "do."

Lord Shafteſbury endeavours to proſecute his accuſers.

* "The Earl, being cleared by the grand jury, moved "to be diſcharged; but could not obtain it, till the end "of the next term. When he was at liberty, he proſe- "cuted Graham and his accuſers, as his declaration ſets "forth, 'for conſpiring to indict him of high treaſon, for "which they ſolicited Wilkinſon to give falſe teſtimony "againſt the ſaid Earl, &c.' The defendants moved that "they might not be tried in London, becauſe the ſheriffs, "Mr. Pilkington and Mr. Shute, were Lord Shafteſbury's "friends. The Judges allowed their plea; but the Earl "would not try his cauſe elſewhere."

* Kennet's Hiſtory, vol. iii. p. 390.

When

1681.

When the Judges had made an order, that the Earl ſhould ſhew cauſe, why the trial ſhould not be in another county, he appeared in court himſelf, and declared it was his deſire to have it tried by an indifferent jury, and that it might be tried that term by a Middleſex one; for he thought an indifferent jury might as well be had there, as in any other county in England. When he could not obtain this, he declared to the court, that ſince he could not have the undoubted privilege of a Peer and an Engliſhman, to lay his action in any county of England, he would remit it at preſent, and wait for a better opportunity to revive it.

Is not permitted to try them by a Middleſex jury.

Declines proſecuting them in any other county.

Lord Shafteſbury's reaſon for not trying the cauſe in another county is very apparent. "Since the diſſolution "of the laſt Parliament, all the * Magiſtrates, Judges, "Juſtices of the Peace, Governors, and Lord Lieutenants "had been changed, and the moſt violent Tories put in "their places." Moſt of the corporations were, by this means, entirely in the hands of the Court; and they were directed to ſend up addreſſes, declaring their abhorrence of the aſſociation, and the principles upon which it was founded. † "The pulpits reſounded with the doctrine of "paſſive obedience and non-reſiſtance. The clergy ſeemed "to make it their buſineſs to ſurrender to the King, all the "liberties and privileges of the ſubjects, and to leave them "only an unlimited obedience. According to the princi-"ples publicly preached, no Eaſtern Monarch was more "abſolute than the King of England. This doctrine was "ſupported in the courts of juſtice, by the Judges and "Lawyers, to the utmoſt of their power."

The reaſon of his conduct.

The Court had acted with great art in one particular. It had ſuffered the corporation and ſome other acts to lie,

The Court carries things with a high hand.

* Rapin. † Ditto.

in

1681. in a great meaſure, dormant for ſome years; by which means, the people, who are ſeldom ſtruck but with immediate dangers, loſt their apprehenſions of them, and were not alarmed at the ſtrength which they had added to the Crown. Theſe were now put in execution, and the Court had modelled the corporations to its mind.

Its next deſign was upon the city of London, which was the centre of liberty. The Lord Mayor, Sir John Moore, was a creature of power, and had been one of thoſe who had joined in expreſſing their abhorrence of the petitions for the ſitting of Parliament. By his influence, and the directions and aſſiſtance which he received from the Miniſtry, he forcibly and illegally procured two ſheriffs to be elected, contrary to the votes of a great majority of the citizens. He obſtructed the poll which was taken for the two other candidates, one of whom was Mr. Papillon, who had been of Lord Shafteſbury's grand jury. Upon this, the Court openly triumphed, and reſolved to reſume the charter of the city, and of other obnoxious corporations.

Lord Shafteſbury ſaw the ſtorm coming on. The Crown was armed with ſufficient power, and the Judges were devoted to its moſt arbitrary meaſures. The Miniſtry were provided with evidence ready to atteſt whatever they preſcribed; and they had now ſecured ſheriffs, and conſequently juries, for their purpoſe. In this ſtate of things, the Earl thought it proper to keep himſelf retired; and, accordingly, he removed from his own houſe to a place of concealment.

Lord Shafteſbury thinks reſiſtance neceſſary.

Though Lord Shafteſbury knew himſelf to be the principal object of the reſentment of the Court; though he was much afflicted by the gout, and by a general weakneſs of body, which was the conſequence of that diſorder, the greatneſs

greatneſs of his ſpirit never abated. His mind continued as active and vigorous as ever. He ſaw that the King was determined to govern, during the reſt of his life, without a Parliament, and upon the moſt arbitrary maxims. He ſaw that the influence of the Duke of York was greater than ever, and that this influence produced the moſt pernicious conſequences. He thought that the conſtitution was already invaded in ſome eſſential points, and he believed that it would be totally deſtroyed, upon the Duke's acceſſion to the Crown. In this ſituation, therefore, of things, he looked upon it as right and neceſſary to ſave the nation by force, ſince it could not be done in a Parliamentary way. 1681.

Propoſes to the Country party to make uſe of force.

Accordingly, he now propoſed to ſeveral of the Lords and gentlemen of the patriotic party, that they ſhould make a ſtand for the religion and the liberties of their country. He adviſed that nothing ſhould be done injurious to the perſon of the King, or a monarchical government; and that their chief object ſhould be to provide a ſecurity againſt the ſucceſſion of the Duke of York: nor did he doubt, but that the King would preſently hear them, when they offered to ſpeak to him in a more effectual manner. The Lords and Gentlemen to whom the Earl communicated his propoſal, objected to him the difficulty of the undertaking, the great power of the Crown, and the hazard of their being cut in pieces by the guards, before they could form ſufficient forces. In anſwer to their objections, he told them, that the Crown had loſt its natural ſtrength, which was, the affection of the public; and he propoſed that attempts ſhould be made in ſo many and in ſuch diſtant places at once, as would confound the counſels of the Court, ſeparate its forces, and animate the people. He declared that he would head the firſt party himſelf; and, jeſting on his infirmities, told them, they were ſenſible he

1681. could not fly, and they ſhould ſee that he knew better how to die at the head of the people, fighting for their liberties, than on a ſcaffold.

His propoſal not agreed to.

When he could not prevail on them, he cried out, with a kind of prophetic fire, "that the Papiſts ſhould never "triumph over him, whatever they might over them; and "that he was afraid he ſhould leave them to be haled away "in triumph to goals and gibbets, and to die by the ax "and the halter."

There was ſuch a ſpirit of liberty at that time in the nation, ſuch a dread of the Duke of York, and ſuch an averſion to the Popiſh religion, that the Country party might probably have ſucceeded in the deſign of rouſing the people; by which means the King might have been obliged to call a new Parliament, and to agree in paſſing a bill of excluſion.

Whether this ſcheme was right or wrong, in a moral light, the reader will judge for himſelf. However, we cannot help obſerving, that in the preſent enlightened age the queſtion will eaſily be determined. If Lord Shafteſbury was certain that the conſtitution was invaded, that the liberties of the people were in the utmoſt danger, that there was no poſſibility of ſecuring them by Parliament, and that nothing could preſerve them but force, he acted upon right principles, in adviſing the having recourſe to arms. His principles have ſince been amply juſtified by the Revolution; and, indeed, they cannot be condemned, without condemning, at the ſame time, the foundations of Britiſh freedom, and the title on which the acceſſion of the Houſe of Hanover to the throne of theſe kingdoms has been eſtabliſhed.

During

1681.

During his concealment, one of his relations, at the inſtigation of his enemies, gave him ſome trouble. She had been educated by him, and he had diſpoſed of her in marriage, with a fortune of three thouſand pounds: he intended, likewiſe, to educate her ſon. However, ſhe preferred, at this time, a frivolous bill of Chancery againſt him, in order to have him outlawed for want of an anſwer. But, on the very night in which he left London, with a view of quitting the kingdom, he drew up an anſwer, that put an end to the ſuit.

Ingratitude of a relation.

His reſolution of going abroad, which was quickly formed, and as quickly executed, was owing to the following circumſtance.

Lord Shafteſbury reſolves to go abroad.

Lord Mordaunt (afterwards Earl of Peterborough) had, at his firſt appearance in the world, conceived a great reſpect for Lord Shafteſbury, who, being much delighted with the uncommon ſpirit and vivacity which he perceived in him, took pleaſure in converſing with him, and giving him advice. This the Earl of Shafteſbury did in ſuch a friendly manner, that Lord Mordaunt was affected with it, became frequent in his viſits to him, and always communicated what intelligence he could diſcover. Lord Mordaunt, to puſh his intereſt at Court, had entered into an intimacy with the Dutcheſs of Portſmouth. One afternoon, as he was drinking tea with her, word was brought that the King was coming in, and that he was already upon the head of the ſtairs. The Dutcheſs, to hide his Lordſhip from his Majeſty, locked him up in a cloſet. While he was there, his curioſity induced him to kneel down, and look through the key-hole; ſo that he ſaw every thing which paſſed between the King and the Dutcheſs. But, inſtead of the familiarity which he expected, Lord Howard of Eſcric entered

The circumſtance that occaſioned his reſolution.

1681. the room about five minutes after the King. A converſation of two hours enſued, but ſo low, that Lord Mordaunt could not hear one word of it. As ſoon as the King and Lord Howard were gone, the Dutcheſs releaſed him, and, after ſtaying a ſhort time, he begged to be excuſed a longer viſit, having earneſt buſineſs, that would permit of no delay.

As ſoon as he went down, he got into a hackney coach, drove directly to Lord Shafteſbury, and told him what he had ſeen. Lord Shafteſbury looked earneſtly at him, and deſired him to repeat it. After Lord Mordaunt had done ſo, the Earl roſe from his ſeat, and, embracing him, ſaid, "My Lord, you are a young man of honour, and would "not deceive me: if this has happened, I muſt be gone "to-night." Accordingly, he left the houſe he was concealed in without delay; and in a few hours it was ſearched by the King's meſſengers.

Lord Shafteſbury quits London.

Lord Shafteſbury took leave of his Counteſs and his friends in a very tender manner, but without any diſtraction of mind. He quitted London in the night, diſguiſed in a Preſbyterian miniſter's habit, and accompanied by Mr. Wheelock, one of his gentlemen, who was, alſo, in a diſguiſe, and paſſed for his nephew.

Is detained at Harwich ſome days.

His Lordſhip went directly for Harwich, where he was obliged to wait eight or ten days for a fair wind. He and Mr. Wheelock lodged together, and others of his ſervants were diſperſed about the town in proper diſguiſes.

One day, as Mr. Wheelock was dreſſing himſelf, and had taken off his black wig, the maid of the houſe came into the room, and ſaw him with a fine light head of hair. She immediately told her miſtreſs, who acquainted the Earl and Mr.

Mr. Wheelock with the maid's diſcovery. As to herſelf, ſhe ſaid that ſhe did not know, or deſire to know, who they were, and that they might depend upon her ſilence; but ſhe could not be ſure of the maid's, and, therefore, adviſed them to leave the houſe and town directly. 1681.

Lord Shafteſbury, believing that it was impoſſible to quit the place with ſafety, thanked the miſtreſs for her information, and told her, he ſhould have no apprehenſions from one who had ſuch a ſenſe of honour. "As for "the maid," ſays he, turning with a pleaſant air to Mr. Wheelock, "you muſt go and make love to her, and this "may engage her ſecrecy."

The Earl went off from Harwich in a boat, on the 18th of November, 1682; and, at the ſame time, he ſent off two of his ſervants, in the ſame dreſs which he himſelf wore, in different boats. One of the ſervants was ſtopped and ſecured before he could reach the ſhip, which contributed to his Lord's eſcape. At that time of the year, the ſea was very tempeſtuous; and ſome ſhips that were in company were caſt away. 1682. He embarks at Harwich.

When Lord Shafteſbury arrived at Amſterdam, he was viſited by ſeveral of the States, and by perſons of the greateſt quality, who congratulated him upon his eſcape from his enemies, and from the dangers of the ſeas. One of the burghers, when he welcomed him, ſaid, with a ſmile, "My Lord, Carthago nondum eſt deleta." The principal men of the city told him, they were ſenſible that his ſufferings were for the Proteſtant cauſe, that he had been their real friend, and that he had no enemies but who were theirs likewiſe. They aſſured him of their conſtant protection, and, for this purpoſe, made him a burgeſs of Amſterdam. They deſired to have his picture drawn, which was hung up. His reception at Amſterdam.

1682. up in their public room, and ſhewed him all the reſpect and honours that were in their power *.

He took a large houſe in Amſterdam, where he intended to reſide: but he was ſoon ſeized with his old diſtemper, the gout, and had a ſevere fit of it. However, the violence of it abated, and he ſeemed to be upon the recovery, when it ſuddenly flew up to his ſtomach, and put an end to his life. He expired in the arms of Mr. Wheelock, on the 21ſt of January, 1682-3 †. His courage never failed him to the laſt, but was diſplayed during his illneſs, in an uncommon patience, reſignation, and fortitude of mind.

His death.

The reſpect paid to his memory.

As moſt of the Lords of the States, and other perſons of quality, had ſhewed their regard for Lord Shafteſbury, during his ſickneſs, by their frequent meſſages and viſits,

* Comme le Prince d'Orange d'alors, qui a dupuis été Roi d'Angleterre, ſavoit que ce ſeigneur n'etoit coupable, que par ce qu'il s'oppoſoit aux deſſeins de la cour, il fit bien reçu en Hollande, où il ſe fit recevoir bourgeois d'Amſterdam, de peur que le Roi ne le demandât à la Republique, qui par un traité eſt obligée de remettre les criminels d'etat à la couronne d'Angleterre, pourvû qu'ils ne ſe ſoient pas fait paſſer bourgeois de quelque ville de Hollande; comme la couronne d'Angleterre eſt obligée d'en faire autant à l'egard des Eſtats.

BIBLIOTHEQUE CHOISIE, tom. ii. p.

† C'eſt un honneur pour cette province, et pour la ville d'Amſterdam en particulier, d'avoir reçu, et d'avoir protegé un ſi illuſtre refugié, ſans avoir égard aux ſiniſtres impreſſions, qu'on avoit voulu donner de lui à cauſe d'un diſcours qu'il avoit prononcé, comme Chancellier, dans le Parlement 1672. Les deſcendans de ce ſeigneur en conſervent une memoire pleine de reconnoiſſance, comme Monſieur Comte de Shafteſbury, ſon petit fils, me l'a temoigné plus d'une fois. Puiſſe cette ville être l'aſyle aſſuré de l'innocence autant que le monde durera, et s'attirer par une ſi genereux conduite, les loüanges & la benediction de tous ceux qui aiment la vertu, non ſeulement lors qu'elle eſt heureuſe, mais encore lors qu'elle eſt perſecutée.

LE CLERC, BIBLIOTHEQUE CHOISIE, tom. vi. p. 367.

they

they teſtified, likewiſe, at his death, their reſpect to his memory. They put themſelves into mourning, and ordered that his corpſe and his baggage ſhould be exempted from all toll, fees, and cuſtoms, in every place they ſhould be carried through, in order to their paſſage to England. 1682.

The ſhip, which tranſported the body to England, was hung with mourning, and adorned with ſtreamers and eſcutcheons. When the corpſe was landed at Poole in Dorſetſhire, the principal gentlemen of the county, to manifeſt the regard which they had for the memory of Lord Shafteſbury, aſſembled together, though uninvited, and attended his body to his ancient ſeat at Winbourn St. Giles's, where he was honourably interred. His funeral.

He made his Counteſs, Sir William Cooper, &c. executors of his will; in which he gave very liberally to his grandſon, Lord Aſhley, and entailed his whole eſtate upon him, after the death of his ſon. He, likewiſe, left great legacies to his friends and ſervants, particularly to thoſe who had attended him in Holland, beſides ſeveral others to pious and charitable uſes. The genera diſpoſition of his will.